



C.R.P.(MD)Nos.710 & 711 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.710 & 711 of 2024
and C.M.P(MD).Nos.3793 & 3794 of 2024

1.M/s.Ajmeer Kaja & Co.
represented by one of its Partner
Sulthan Allovadin,
S/o.Dawoot Yusuf,
Door No.3,
Alwar Puram,
Madurai – 625 002.

2.Sulthan Allovadin

3.Mydeen

... Petitioners/Appellants/
Petitioners/Respondents
in both petitions

Vs.

A.C.N.Devaraj

... Respondent/Respondent/
Respondent/Petitioner
in both petitions

COMMON PRAYER : Civil Revision Petitions are filed under Section 25 of Tamil Nadu Buildings (Lease & Rent Control Act, 1960), as Amended Act, 1980, to set aside the orders made in R.C.A.Nos.11 & 10 of 2023 dated 22.12.2023 on the file of the Principal Sub Court, Madurai



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confirming the order made in I.A.Nos.99 & 70 of 2018 in R.C.O.P.Nos. 25 of 2003 and 113 of 2012 respectively, dated 28.11.2022 on the file of the Additional District Munsif Court/ Rent Controller, Madurai Town, on the file of the Principal Subordinate Court cum Rent Control Appellate Authority, Madurai.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.J.Barathan
(in both petitions)

COMMON ORDER

These petitions are filed to set aside the orders made in R.C.A.Nos. 11 & 10 of 2023 dated 22.12.2023 on the file of the Principal Sub Court, Madurai confirming the order made in I.A.Nos.99 & 70 of 2018 in R.C.O.P.Nos.25 of 2003 and 113 of 2012 respectively, dated 28.11.2022 on the file of the Additional District Munsif Court/ Rent Controller, Madurai Town, on the file of the Principal Subordinate Court cum Rent Control Appellate Authority, Madurai.

2.R.C.O.P.No.25 of 2003 was filed by the respondent/landlord herein to evict the revision petitioner from the premises on the ground that there was an oral lease agreement between the parties with reference



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to the Superstructure, whereas, R.C.O.P.No.113 of 2012 was filed for fixation of fair rent. Pending the further process petitions were taken out by the revision petitioner after the cross examination was over, to struck off the petition stating that the property is a vacant site.

3.That were dismissed by the Rent Court. Against which appeals were preferred before the appellate authority. Appellate authority also concurred with the orders passed by the Rent Controller. Against which these revisions have been preferred.

4.The learned counsel for the revision petitioner would submit that absolutely no documentary evidence is produced by the respondent to show that there exists a building or superstructure in the rented premises. According to him, it is only a vacant site.

5.Per contra, the learned counsel for the respondent would submit that it is an oral lease agreement, what was leased out to the revision petitioner is only a building. He is also ready to establish the same before the Tribunal. The matter which was filed in the year 2003 has been



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dragged on by this revision petitioner for the past 21 years by wasting the court times.

6.This Court is completely loss to understand the basis of the revision petitioner not only before the Rent Court, but also before the appellate Court and this revision Court. Whether there exists a building or not and what was leased out, are all matter for consideration by the Rent Court. By this time, the Rent Court would have disposed the matter, had such unnecessary proceedings not been initiated by the revision petitioner.

7.Moreover, Revisional Court cannot enter into the controversy on factual issues. It is exclusively within the jurisdiction of the Rent Court. So, I find absolutely no reason to interfere into the order passed by the Rent Court as confirmed by the appellate Court. Both parties shall co-operate with the Rent Controller to complete the process. The Rent Controller shall dispose of both the petitions by strictly following the guidelines issued in Circular of this Court in R.O.C.No.1599-A/2009/B5, dated 15.05.2009.



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8. With the above said directions, these petitions stand dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

19.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal Subordinate Judge cum Rent Control Appellate Authority, Madurai.
2. The Additional District Munsif / Rent Controller, Madurai Town.
3. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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