



C.R.P. (MD) No.874 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

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C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

C.R.P. (MD) No. 874 of 2024

and

C.M.P. (MD) No. 4867 of 2024

M.P. Velraja

... Petitioner

Vs.

C.V.Alamelu

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, against the unnumbered returned order dated 22.02.2024 made in unnumbered I.A. No. of 2024 in R.L.T.O.P. No. 11 of 2022 on the file of the Principal District Munsif, Thirumangalam, Madurai District.

For Petitioner : Mr. K.Renganathan

For Respondent : Mr. K.Sudalayandi



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ORDER

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This Civil Revision Petition invoking under Article 227 of the Constitution of India has been filed challenging the order dated 22.02.2024 in unnumbered I.A. No. of 2024 in R.L.T.O.P. No. 11 of 2022 (hereinafter referred to as the 'impugned order' for short) on the file of the Principal District Munsif, Thirumangalam, Madurai District (hereinafter referred to as 'Trial Court' for short).

2. Since the matter arises out of the proceedings the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (hereinafter referred to as 'the RLTOP' for short), the contesting parties are referred to as 'Landlord' and 'Tenant' for the sake of clarity and convenience.

3. Heard Mr. K.Renganathan, Leaned Counsel for the Tenant, Mr. K.Sudalayandi, Learned Counsel for the Landlord and perused the materials placed on record apart from the pleadings of the parties.



4. The Landlord had filed R.L.T.O.P. No. 11 of 2022 before the Trial Court seeking eviction of the Tenant from the premises in the occupation at Door No. 1, Joseph Nagar 3rd Cross Street, Thirupparankundram, Madurai. Though, the Tenant has on 21.03.2023 filed a Counter in R.L.T.O.P. No. 11 of 2022 resisting the action taken against him for eviction from the premises in his occupation, he had made an application to reject the Petition for eviction itself, but it was returned by the Trial Court by the impugned order holding that it was not maintainable as it does not come under the purview Rule 11 of Order VII of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC' for short).

5. It must be straightaway noticed that Rule 11 of Order VII of CPC could be resorted only when it appears from the statement made in the Petition to be barred by any law and there is nothing to show that any such situation exists in the present case.

6. At this juncture, it would be relevant to extract the principles on the exercise of the jurisdiction of the High Court under Article 227 of the Constitution as formulated by the Hon'ble Supreme Court in the decision in



Shalini Shyam Shetty -vs- Rajendra Shankar Patil [(2010) 8 SCC 329],

which reads as follows:-

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- (a) A petition under Article 226 of the Constitution is different from a petition under Article 227. The mode of exercise of power by the High Court under these two articles is also different.
- (b) In any event, a petition under Article 227 cannot be called a writ petition. The history of the conferment of writ jurisdiction on High Courts is substantially different from the history of conferment of the power of superintendence on the High Courts under Article 227 and have been discussed above.
- (c) High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of the court or tribunal subordinate to it. In cases where an alternative statutory mode of redressal has been provided, that would also operate as a restrain on the exercise of this power by the High Court.



- (d) The parameters of interference by High Courts in exercise of their power of superintendence have been repeatedly laid down by this Court. In this regard the High Court must be guided by the principles laid down by the Constitution Bench of this Court in ***Waryam Singh -vs- Amarnath*** (AIR 1954 SC 215) and the principles in ***Waryam Singh -vs- Amarnath*** (AIR 1954 SC 215) have been repeatedly followed by subsequent Constitution Benches and various other decisions of this Court.
- (e) According to the ratio in ***Waryam Singh -vs- Amarnath*** (AIR 1954 SC 215), followed in subsequent cases, the High Court in exercise of its jurisdiction of superintendence can interfere in order only to keep the tribunals and courts subordinate to it, “within the bounds of their authority”.
- (f) In order to ensure that law is followed by such tribunals and courts by exercising jurisdiction which is vested in them and by not declining to exercise the jurisdiction which is vested in them.



- (g) Apart from the situations pointed in (e) and (f), High Court can interfere in exercise of its power of superintendence when there has been a patent perversity in the orders of the tribunals and courts subordinate to it or where there has been a gross and manifest failure of justice or the basic principles of natural justice have been flouted.
- (h) In exercise of its power of superintendence High Court cannot interfere to correct mere errors of law or fact or just because another view than the one taken by the tribunals or courts subordinate to it, is a possible view. In other words, the jurisdiction has to be very sparingly exercised.
- (i) The High Court's power of superintendence under Article 227 cannot be curtailed by any statute. It has been declared a part of the basic structure of the Constitution by the Constitution Bench of this Court in ***L. Chandra Kumar -vs- Union of India*** [(1997) 3 SCC 261] and therefore abridgment by a constitutional amendment is also very doubtful.



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- (j) It may be true that a statutory amendment of a rather cognate provision, like Section 115 of the Civil Procedure Code by the Civil Procedure Code (Amendment) Act, 1999 does not and cannot cut down the ambit of High Court's power under Article 227. At the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227.
- (k) The power is discretionary and has to be exercised on equitable principle. In an appropriate case, the power can be exercised *suo motu*.
- (l) On a proper appreciation of the wide and unfettered power of the High Court under Article 227, it transpires that the main object of this article is to keep strict administrative and judicial control by the High Court on the administration of justice within its territory.
- (m) The object of superintendence, both administrative and judicial, is to maintain efficiency, smooth and orderly



functioning of the entire machinery of justice in such a way as it does not bring it into any disrepute. The power of interference under this article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.

Having regard to the aforesaid legal position viz-a-viz the impugned order and the materials placed on record, there does not appear to be any infirmity warrant any interference in the exercise of the supervisory jurisdiction by this Court.

7. It is needless to add here, no view has been expressed by this Court on the merits of the controversy raised in the unnumbered I.A, which has been returned by the Trial Court and the Tenant is not precluded from working out his rights in that regard by raising all available contentions in the counter filed in R.L.T.O.P. No. 11 of 2022 at the time of enquiry in that proceedings.



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In the result, the Civil Revision Petition, which does not deserve to be entertained, is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.04.2024

Index : Yes/No

NCC : Yes/No

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To:

1.The Principal District Munsif, Thirumangalam.

2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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P.D.AUDIKESAVALU,J.

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