



C.R.P.(PD)(MD)No.1454 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P.(PD)(MD)No.1454 of 2024

and

C.M.P.(MD)No.8586 of 2024

B.Natarajan (Died)

1.B.G.Ramya Baskar

2.N.Akshidh (Minor)

... Petitioners/Petitioners/Petitioners

(Landlords)

VS.

1.K.Seyad Ali

2.K.Mohammed Subuhan

3.K.Ibrahim Badhusha

4.Standard Electrical and Enterprises,

Through its Partner K.Seyad Ali,

D.No.81, Tiruchendur Road,

Palayamkottai,

Tirunelveli-627 002.

... Respondents/ Respondents/Tenants

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal order passed in unregistered I.A.No.2024 in R.L.T.O.P.No.9 of 2020 dated 23.02.2024 on the file of the Principal District Munsif Court, Tirunelveli.



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For Petitioners : Mr.T.Selvan

ORDER

This Civil Revision Petition is filed against the order dated 23.02.2024 made in Unregistered I.A.No.2024 in R.L.T.O.P.No.9 of 2020 by the Principal District Munsif Court, Tirunelveli.

2.The said interlocutory application is filed by the petitioners/landlords to direct the respondents/tenants to deposit the rental arrears of Rs.14,49,000/- and in the absence thereof to order eviction of the respondents. The said application was not even numbered and was rejected at the SR stage. Aggrieved by which, the revision petition is filed.

3.The learned counsel for the petitioner would submit that as per the decision of this Court in ***G.V.Vanitha and Ors. Vs. K.Dhanasekaran and Ors.***¹, firstly, when an application is filed, it is expected of the trial Court to first number the petition and after giving an opportunity to the respondents to dispose of the same in accordance with law. The said procedure is not resorted to in the instant case. Secondly, it is contention

¹ 2016 (3) MWN (Civil) 212



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that when such a huge amount is due, the trial court ought to have considered the petition.

4.Firstly, under the erstwhile Act, even if the rent control original petition is filed on the ground of willful default, still an application was maintainable under Section 11(4) of the Erstwhile Act to direct the tenants to deposit the entire arrears amount and failure of such deposit, eviction is ordered. Such a provision is absent in the current Act, namely, the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. As a matter of fact, the said Section 14 was challenged while challenging the constitutional validity of the new Act and the Judgment of the Division Bench of this Court in ***Balaji Vs. The Principal Secretary to Government***¹ (of which I was a party), has held that when the legislature thought it fit not to provide such a remedy, as a matter of fact, the landlords cannot insist for it. Therefore, when the legislature has not provided such a remedy, whenever the petition is filed on the ground of willful default, there is no question of filing an interlocutory application with the said prayer and the trial Court has rightly rejected the same at the threshold.

¹ W.P.Nos.3985 of 2020 etc., (batch cases) dated 23.04.2024



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5.In view thereof, finding no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6.Since the R.L.T.O.P., is of the year 2020 and it is also now pleaded by the landlords that a huge arrears of Rs.14,49,000/- was due, the leaned Principal District Munsif, Tirunelveli, is directed to take up the case in R.L.T.O.P.No.9 of 2020 for expeditious disposal and in any event dispose of the same within a period of four months from the date of receipt of a copy of this order.

08.07.2024

NCC : Yes / No
sji

To

The Principal District Munsif Court, Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

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