



CRP(MD).No.1440 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1440 of 2024
and C.M.P(MD).No.8523 of 2024**

Thaga Mydeen

... Petitioner

-Vs-

S.Syed Ibrahim

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order in I.A.No.197 of 2023 in R.L.T.O.P.No.142 of 2021 dated 19.12.2023 passed by the learned Principal District Munsif, Madurai.

For Petitioner : Mr.SMA Jinnah

ORDER

The civil revision petition arises out of the order dated 19.12.2023 in I.A.No.197 of 2023 in RLTOP No.142 of 2021.



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2. The case of the revision petitioner is that while the revision petitioner is not a tenant and he is occupying the property in the capacity as a owner and when he has already produced the title documents in the form of Ex.A1 to Ex.A5, from which it can be clearly ascertained that the petitioner is not at all the tenant, when the respondent is abusing the process by wrongly describing the petitioner as the tenant and has instituted the Rent Control Original Petition, on the ground that no agreement in respect of the tenancy is entered into, the Court ought to have answered the question raised in favour of the petitioner. He would submit that since the plea raised goes into the very root of the matter questioning the very jurisdiction of the Tribunal under section 40 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017, the Court should have allowed the application.

3. I have considered the said submission made by the petitioner and perused the materials available on record.

4. The Court has not answered the claim of the petitioner on merits. The petitioner is the respondent in the RLTOP. The respondent has filed



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RLTOP by describing the petitioner as a tenant and seeks eviction on the ground that he has refused to enter into proper agreement in respect of rent. Already, a counter affidavit has also been filed by the petitioner herein in the said RLTOP. While so, the present petition is filed to reject the petition itself.

5. The matter can be considered akin to the petition to reject the plaint. In such case, the principle would be to look into the petition of the respondent and even then, if the jurisdiction is not vested with the Rent Control Tribunal, then only such an interlocutory application can be ordered. It can be seen that as per the petition the Rent Court is not without jurisdiction. The defence of the petitioner herein has to be looked into and therefore, it is not a case, where the petition as such can be rejected. The RLTOP itself is a summary proceedings and the petitioner can raise all the defences in the counter affidavit, which can be gone into by the Rent Control Tribunal at the time of trial and final hearing.

6. With the said observation, keeping it open for the petitioner to raise each and every contention in the Interlocutory Application as well as



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the Civil Revision Petition to be raised before the trial Court during the course of the trial, this Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes/ No
Rmk

To

- 1.The Principal District Munsif, Madurai.
- 2.The Section Officer,
VR Section, Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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