



C.R.P(MD)No.1165 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1165 of 2019

and

C.M.P(MD)No.6400 of 2019

1.R.P.P.Murali

2.R.Meena

... Petitioners

Vs.

D.John Alfred

... Respondent

PRAYER : Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 1960, to set aside the order passed by the Principal Subordinate Judge, Nagercoil in R.C.A.No.15 of 2017, dated 18.02.2019, confirming the order passed by the Principal District Munsif, Nagerocil in R.C.O.P.No.9 of 2016, dated 22.08.2017.

For Petitioners : Mr.S.Ramasamy

For Respondent : Mr.VR.Shanmuganathan



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ORDER

The present Civil Revision Petition has been filed by the tenants / respondents in R.C.O.P.No.9 of 2016 on the file of the Rent Controller (Principal District Munsif), Nagercoil, challenging the order of eviction passed in R.C.A.No.15 of 2017.

2. The respondent herein as land-lord had filed R.C.O.P.No.9 of 2016 for evicting the revision petitioners / tenants on the ground of willful default. Pending rent control proceedings, the land-lord had filed an application under Section 11 (3) of the Tamil Nadu Buildings Lease and Rent Control Act, directing the tenants to deposit the arrears of rent. Since the said arrears was not deposited, an order of eviction was passed under Section 11 (4) of the Rent Control Act. Challenging the said order of eviction, the tenant had filed R.C.A.No.15 of 2017. The said appeal was dismissed on 18.02.2019. Challenging the same, the present revision petition has been filed.



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3. Pending revision petition, the Local Planning Authority, Nagercoil had locked and sealed the petition mentioned premises on the ground that, it is an un-authorised construction. The said order was passed on 11.03.2020. Challenging the same, the land-lord had filed an appeal before the Government and the appeal was also dismissed on 25.01.2023. As against the same, W.P(MD)No.16609 of 2023 has been filed by the land-lord and the same is pending.

4. In the mean time, the learned Counsel appearing for the tenants had filed a Memo that, the building is under lock and seal due to the action initiated by the Local Planning Authorities. Their valuable articles are still inside the premises and they are not able to get back those articles. As per the said Memo, the tenants are ready to take their entire belongings, which are inside the premises and they are ready to hand over the possession. To the said effect, he had prayed for passing an appropriate order.



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5. In view of the above said facts, the Local Planning Authority, Nagercoil is directed to de-seal the premises to enable the tenants to take back their articles from the said premises. After taking back the articles of the tenant, the premises shall again be sealed subject to the orders of this Court in W.P(MD)No.16609 of 2023.

6. The Rent Controller by proceedings, dated 26.07.2017 in I.A.No.1 of 2017 in R.C.O.P.No.9 of 2016 had permitted the land-lord to withdraw a sum of Rs.7,25,000/-, that has already been deposited by the tenants towards rental arrears. Therefore, the land-lord is at liberty to approach the said Court for withdrawing the said amount. In case, if there is any further arrears, it is for the land-lord to initiate appropriate proceedings.

7. With the above said observation, this Civil Revision Petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

15.04.2024



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NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

Note: A copy shall be marked to Local Planning Authority, Nagercoil.

To

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



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R.VIJAYAKUMAR, J.

BTR

Order made in
C.R.P(MD)No.1165 of 2019

15.04.2024