



**C.R.P(MD)No.2079 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 03.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**C.R.P(MD)No.2079 of 2024**

Rajesh

...Petitioner /  
Petitioner /  
Defendant

Vs.

1.U.Rani

...1<sup>st</sup> Respondent/  
Respondent /  
Plaintiff

2.V.M.Srinivasan

... 2<sup>nd</sup> Respondent/  
Petitioner /  
Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.No.5 of 2023 in O.S.No.130 of 2023 on the file of the II Additional District Munsif Court, Nagercoil, Kanyakumari District dated 06.03.2024, and allow the Civil Revision Petition.

For Petitioner : Mr.C.Sankar Prakash



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**ORDER**

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Heard the learned counsel for the revision petitioner.

2.The first respondent herein filed O.S.No.130 of 2023 for restraining the defendants from interfering with her possession of the suit property except by due process of law.

3.The plaintiff is a tenant in respect of the suit property. The defendants filed I.A.No.5 of 2023 for rejection of plaint. Their case is that the relationship between the parties is governed by the provisions of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The case on hand regulates the rights and responsibility of landlord and that therefore O.S.No.130 of 2023 is not maintainable. The Court below dismissed the IA vide order dated 06.03.2024. Questioning the same, this Civil Revision Petition came to be filed.

4.The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of revision and called upon this Court to set aside the impugned order.



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5.I am not swayed by the said submission. As rightly observed by the Court below, in the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, there is no provision enabling the tenant to seek protection against forcible dispossession. Common law remedy of filing suit is available when there is no statutory remedy to protect one's civil right. The present suit is maintainable. Interference is not warranted.

6.This Civil Revision Petition stands dismissed. There shall be no order as to costs.

**03.09.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
MGA

To

II Additional District Munsif Court, Nagercoil,  
Kanyakumari District.



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**G.R.SWAMINATHAN, J.**

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