



C.R.P.(MD)No.2725 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 28.11.2023

Delivered on : 02.02.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2725 of 2023

and

C.M.P.(MD)No.14205 of 2023

1.G.Vijayan

2.P.Gopalsamy : Petitioners/Petitioners/Respondents

Vs.

1.Nallathambi

2.S.Rajarajan : Respondents/Respondents/ Petitioners

Prayer : This Civil Revision Petition filed under Article 227 of Constitution of India, to call for the entire records pertaining to the order passed in I.A.No.105 of 2023 in R.L.T.O.P.No.135 of 2020, dated 16.08.2023 by the Rent Court cum Additional District Munsif Court, Madurai Town and set aside the same.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Mr.N.Vallinayagam



C.R.P.(MD)No.2725 of 2023

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ORDER

This Civil Revision is directed against the order passed in I.A.No.105 of 2023 in R.L.T.O.P.No.135 of 2020, dated 16.08.2023 on the file of the Additional District Munsif Court, Madurai.

2. The respondents\petitioners have filed the main petition seeking eviction of the revision petitioners\respondents on the ground of subletting requirement of landlord and for not entering into the lease agreement as per law. Pending main petition, the revision petitioners have filed a petition under Section 14 of Tamil Nadu Regulations of Rights and Responsibilities of Landlord and Tenant Act 2017, seeking permission to deposit the rent for the rented premises.

3. The main contention of the revision petitioners is that they have tendered the rent for the month of August 2020, but the same was not received; that the revision petitioners have then sent a notice requesting the respondents to inform the bank account number of the respondents for payment of rent; that the respondents are very keen in disbursing the



C.R.P.(MD)No.2725 of 2023

petitioners from the petition mentioned property by resorting the illegal methods; that the revision petitioners have then filed an application before the Rent Control Authority\Revenue Divisional Officer, Madurai, seeking permission to deposit the rent, but the said Authority has passed an order, dated 16.08.2023, dismissing the petition directing the revision petitioners to approach the Rent Court and that since the said Authority has declined to entertain the application for deposit of the rent, the petitioners with no other legal remedy, have filed the above petition.

4. The respondents have filed a counter statement raising serious objections by questioning the very maintainability of the petition before the Rent Court. The learned Additional District Munsif, after enquiry, has passed the impugned order, dismissing the petition.

5. The learned counsel for the petitioners would submit that though the new Act does not contain any explicit provision for depositing the rent, the revision petitioners being tenants are entitled to deposit the rent; that though the revision petitioners have approached the Rent Control Authority under Section 14 of Tamil Nadu Regulations of Rights and



C.R.P.(MD)No.2725 of 2023

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Responsibilities of Landlord and Tenant Act 2017, seeking permission to deposit the rent, but the same was dismissed, directing them to approach the Rent Court and that therefore, the revision petitioners with no other option have approached the Rent Court.

6. The learned counsel for the respondents would submit that the new Act has not provided any mechanism or way enabling to deposit the rent before the Rent Court; that Section 14 of the said Act has contemplated that deposit of rent only before the Rent Authority; that the observation of the Rent Authority/Revenue Divisional Officer, directing the petitioners to approach the Rent Court will not give right to the petitioners to seek permission of this Court; that the above petition is clearly abuse of process of Court and that the above petition has been filed only to drag on the proceedings.

7. At this juncture, it is necessary to refer Section 14 of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act 2017.



C.R.P.(MD)No.2725 of 2023

WEB COPY

“14. (1) Where the landlord does not accept any rent and other charges payable or refuses to give a receipt, the rent and other charges shall be sent to the landlord by postal money order or any other method as may be prescribed consecutively for two months, and if the landlord does not accept the rent and other charges within the said period, then, the tenant shall deposit the same with the Rent Authority.

(2) Whenever there is bona fide doubt about the person or persons to whom the rent is payable, the tenant shall deposit such rent and other charges with the Rent Authority.

(3) On deposit of the rent and other charges, the Rent Authority shall investigate the case and pass an order based on facts of the case.

(4) The withdrawal of rent and other charges deposited under sub-section (1) or sub-section (2), as the case may be, shall not operate as an admission against the person withdrawing it to the correctness of rent or any other fact stated by the tenant.

(5) Any rent and charges not withdrawn for five years by any person entitled to withdraw shall be forfeited by the Government.”

8. As rightly contended by the learned counsel for the respondents and the learned District Munsif, Section 14 of the said Act contemplates that the tenant shall deposit the rent with the Rent Authority, if the



C.R.P.(MD)No.2725 of 2023

WEB COPY

landlord does not accept any rent or other charges payable or refuses to give a receipt and also refuses to accept postal money order or any other method that may be prescribed consecutively for two months and thereby does not accept the rent and other charges within said period.

9. The main contention of the revision petitioners is that as per Section 14 of the said Act, they have approached the Rent Control Authority, but the Rent Control Authority, after taking the petition on file in Mu.Mu.No.8462\2020\J, dated 16.02.2023, by observing that Rent Authority has no power to collect rent or to evict the tenant on the basis of the unregistered lease agreement and by directing the petitioners to approach the Rent Court, dismissed the petition.

10. As rightly contended by the learned counsel for the respondents just because the Rent Authority has directed the revision petitioners to approach the Rent Court, that will not confer any power or jurisdiction on the Rent Court, when Section 14 of the said Act has specifically directed the tenant to approach the Rent Authority and moreover, that will not confer any right on the revision petitioners to approach the Rent Court.



C.R.P.(MD)No.2725 of 2023

WEB COPY

11. Considering the above, the impugned order dismissing the petition cannot be found fault with. Hence, this Court concludes that the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

12. In the result, the Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

02.02.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Rent Court cum Additional District Munsif Court,
Madurai Town.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.2725 of 2023

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2725 of 2023
and
C.M.P.(MD)No.14205 of 2023

Dated : 02.02.2024