



CRP.No.186 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Order reserved on : 26.06.2025

Order pronounced on : 04.07.2025

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.186 of 2025
& CMP.No.1281 of 2025

Panneerselvam

..Petitioner

Vs.

Manoharan

..Respondent

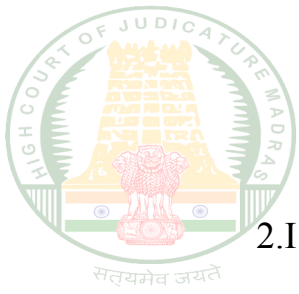
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 12.11.2024 passed by the learned District Munsif Judge, Thiruthuraipoondi, in I.A.No.9 of 2023 in RLTOP.No.2 of 2022.

For Petitioner : Mr.D.Vairamoorthy

For Respondent : M/s.Mahamandra Rajalakshmi

ORDER

The tenant facing eviction proceedings in RLTOP.No.2 of 2022, being unsuccessful in an Interlocutory Application taken out by him to reject RLTOP itself, has come up by way of this revision.



2.I have heard Mr. D.Vairamoorthy, learned counsel for the revision petitioner/tenant and M/s.Mahamandra Rajalakshmi, learned counsel for the respondent/landlord.

3.The learned counsel for the revision petitioner/tenant would state that RLTOP itself is not maintainable and there is no cause of action for filing the same. Therefore, he would state that in terms of Order VII Rule 11 of CPC, the RLTOP is liable to be rejected. He would further state that the land belongs to Arulmighu Bava Oushatheeshwarar Swamy Temple, Thiruthuraipoondi, and the building was in fact originally leased out to the petitioner/tenant by one Murugaiyan Chettiyar under an oral agreement of lease in 1987 and thereafter, the building was allotted to one Rathina Sabapathy under a family arrangement. The petitioner's case is that he was paying rents to the said Rathina Sabapathy till January 2022, when the respondent/landlord purchased the same from the said Rathina Sabapathy. Thereafter, the respondent, having become the owner has issued a notice to the petitioner, to which the petitioner has sent a reply, denying the respondent's ownership of the subject building.

4.The learned counsel for the revision petitioner would further state that



the purchase of the property by the respondent is under an unregistered Sale Deed and the same would not confer any right, title or interest on the respondent and further, the respondent is not the landlord and the petitioner has never paid any rent to the respondent at any point of time, leave alone having entered into an agreement of tenancy with the respondent. In view of these strong circumstances in favour of the petitioner, the petitioner has moved the application to reject RLTOP proceedings.

5. According to the learned counsel for the petitioner, the Trial Court has dismissed the said application, without even dealing with the claims made therein. The learned counsel for the petitioner further states that an application to reject the plaint can be filed at any stage and erroneously, the Rent Court has held that the application has been filed only to drag the proceedings, despite having filed a counter to the main RLTOP. He would therefore pray for the revision being allowed.

6. Per contra, the learned counsel for the respondent/landlord would submit that the Rent Court has rightly dismissed the application since the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, is a self contained code, which mandates the proceedings to be completed



expeditiously. As regards the denial of the respondent's right, the learned counsel for the respondent would state that the respondent has filed sufficient documents to establish title to the subject property and in fact, would contend that the petitioner himself had moved an application before the Rent Authority seeking deposit of rents which came to be dismissed on 01.11.2022, finding that the respondent had already purchased the property and the said fact was well within the knowledge of the petitioner.

7.As regards the land belonging to the temple, the learned counsel for the respondent would state that the Act contemplates only the lease of superstructure and it is not necessary for the landlord to be the owner of the land as well. She would therefore state that there is no infirmity in the order of the Rent Court and prays for dismissal of the revision.

8.I have carefully considered the submissions advanced by the learned counsel on either side. I have also gone through the order of the Rent Court, dismissing the application taken out by the petitioner under Order VII Rule 11 of CPC.

9.The Tamil Nadu Regulation of Rights and Responsibilities of Land



Lords and Tenants Act, 2017 was enacted after repealing the then Tamil Nadu

Buildings Lease and Rent Control Act 18 of 1960. Both under the old Act as well as the new Act, the requirement for attracting the provisions of the respective enactments was only the existence of a jural relationship of landlord and tenant and the ownership of the land is alien. Further, the new Act is self contained enactment, providing for appeals and also fixing periods of limitation.

10. Section 37 confers on the Rent Court same powers that are vested in a Civil Court under CPC and the same is extracted hereunder for easy reference:

“(1) The Rent Court and the Rent Tribunal, for the purpose of discharging their functions under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908).

- (a) summoning and enforcing the attendance of any person and examining him on oath;*
- (b) requiring the discovery and production of documents;*
- (c) issuing commissions for examination of the witnesses or documents;*
- (d) issuing commissions for local investigation;*
- (e) receiving evidence on affidavits;*
- (f) dismissing an application or appeal for default or deciding it ex parte;*
- (g) setting aside any order of dismissal of any application or appeal for default or any other order passed by it ex parte;*
- (h) execution of its orders and decisions under this Act without reference to any Civil Court;*
- (i) reviewing its orders and decisions; and*
- (j) any other matter as may be prescribed.”*

11. However, besides vesting limited powers that are available to Civil



Court on the Rent Court, under Section 36(1) it is made abundantly clear that

the Rent Court shall not be bound by the procedure laid down by the CPC and shall only be guided by the principles of nature justice and shall have the power to regulate its own procedure, insofar as the applications being filed, issuing notices, pleadings to be completed, examination of witnesses by affidavit and permitting witnesses for examination or cross-examination. Section 36(3) also provides for the provisions of CPC regarding service of summons to be applicable *mutatis and mutandis* for service of notice by the Rent Court.

12.In view of the above express provisions, there is nothing in the special enactment which suggests that the provisions of CPC would be available to either of the parties, to be invoked. In fact, this Court, had an occasion in *J.Thennarasu and Others Vs. Anitha Nalliah*, reported in 2022 5 CTC 519, to deliberate on the discretion vested with the Rent Court and this Court held that even cross-examination was not as a matter of right, but would only be a matter of need. It was also held that when there is no lis regarding the facts, but certain explanations of the circumstances, then there is no requirement of cross-examination.

14.Keeping in mind the above said ratio and also the objects of the enactment in Tamil Nadu Regulation of Rights and Responsibilities of

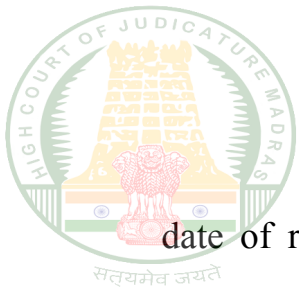


CRP.No.186 of 2025

Landlords and Tenants Act, 2017, I am unable to find that the tenant is entitled to invoke the provisions of Order VII Rule 11 of CPC seeking rejection of RLTOP itself. In fact, this issue came up for consideration before this Court in *Shanmugam Balakumar and S.Balajee Vs. P.Elizabeth* in CRP(PD).Nos.976 and 977 of 2020 dated 14.07.2020 and this Court held that an application under Order VII Rule 11 of CPC cannot be entertained by the Rent Court.

15.On going through the order passed by the Rent Court, I find that the Rent Court has rightly found that the petitioner himself had approached the Rent Authority, where the respondent was declared to be the owner of the property and proceedings under the Act being summary in nature, the application to reject RLTOP was not maintainable. The Rent Court has also found that the respondent would have to produce evidence to establish his case before becoming entitled to an order of recovery of possession. I therefore do not find any illegality or perversity in the findings of the Rent Court.

16.In fine, the Civil Revision Petition is dismissed. The Rent Court is directed to dispose of RLTOP.No.2 of 2022, which is pending from 2022, on merits and in accordance with law, within a period of eight weeks from the



CRP.No.186 of 2025

date of receipt of a copy of this order. There shall be no order as to costs.

WEB COPY

Connected Civil Miscellaneous Petition is closed.

04.07.2025

Speaking/Non-speaking order

Index : Yes/No

ata

To

1.The Distrit Munsif Court, Thiruthuraipoondi.

2.The Rent Court, Thiruthuraipoondi.

8/12



WEB COPY



CRP.No.186 of 2025

P.B.BALAJI.J,

ata



WEB COPY



CRP.No.186 of 2025

Pre-delivery order made in
CRP.No.186 of 2025
& CMP.No.1281 of 2025

04.07.2025

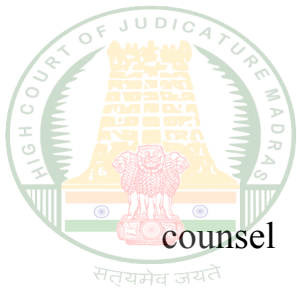
C.R.P.No. 186 of 2025
& C.M.P.No. 1281 of 2025

P.B.BALAJI.J.,

The matter is listed under the caption “*for being mentioned*” at the instance of the learned counsel appearing for the petitioner.

2. Pursuant to the dismissal of the Civil Revision Petition, the learned

10/12



CRP.No.186 of 2025

counsel appearing for the petitioner sought liberty to agitate the issue of maintainability before the Rent Court.

3. Notwithstanding the dismissal of the Civil Revision Petition, it is made clear that the Civil Revision Petition has been dismissed only on the ground that an application to reject the petition under the Rent Act is not maintainable at the revision stage.

4. It is always open to the tenant to canvass all technical and legal objections that may be available to them, including issues of maintainability, by way of arguments before the Rent Court.

15.07.2025

nsI

P.B.BALAJI.J.,

nsI



WEB COPY



CRP.No.186 of 2025

C.R.P.No. 186 of 2025
&
C.M.P.No. 1281 of 2025

15.07.2025