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C.R.P. (PD) No.1775 of 2025 and C.M.P. No.10225 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.R.P. (PD) No.1775 of 2025 and C.M.P. No.10225 of 2025

K.Annapoorani

... Petitioner

VS

P.Devaraj

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the eviction proceedings in R.L.T.O.P. No.01 of 2021 on the file of the learned Rent Controller/Principal District Munsif Court, Erode and strike off the same by allowing this Civil Revision Petition by exercising the power conferred.

For Petitioner: Mr.R.T.Vishnu

For Respondent: Mr.J.Titus Enock

ORDER

The present Civil Revision Petition has been filed for striking of the eviction proceedings in R.L.T.O.P. No.01 of 2021 on the file of the learned Rent Controller/Principal District Munsif Court, Erode.

2.According to the revision petitioner, the respondent/Devaraj had



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filed a petition in R.L.T.O.P. No.1 of 2021 on the file of the Rent Controller/Principal District Munsif Court, Erode against the revision petitioner/Annapoorani under Section 21(2)(b) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2017 (hereinafter referred to as 'the Act') for re-possession and the revision petitioner had filed a counter on 20.10.2021 inter alia denying the ownership of the respondent over the subject property and the non existence of landlord-tenant relationship. The revision petitioner had also filed a suit in [O.S. No.218 of 2024](#) on the file of the II Additional District Court, Erode for the relief of declaration of title and permanent injunction. According to the revision petitioner, it is an admitted case of the respondent that there was no written agreement with the revision petitioner with regard to the alleged tenancy. However, the respondent had filed the R.L.T.O.P. No.01 of 2021 and the same is not maintainable.

3.The learned counsel appearing for the revision petitioner would submit that the petitioner was never a tenant under the respondent at any point of time. There was no written agreement with the petitioner and that there cannot be any alleged tenancy. Therefore, instead of filing a suit before



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the competent Civil Court, the respondent has conveniently filed the above petition in R.L.T.O.P. No.01 of 2021 U/s. 21(2)(b) of the Act, 2017 for alleged default in payment of rent with an intention to defeat the petitioner's right over the subject property, which is not maintainable. Learned counsel for the petitioner further submitted that as per Section 40(2) of the Act, the jurisdiction of the Rent Controller should be limited to the tenancy agreement and the question of title and ownership are beyond the jurisdiction of the Rent Controller Court and even as per the case of the respondent, there was no written agreement and registered rental agreement with the revision petitioner, before and after the commencement of the Act. To strengthen his contentions, the learned counsel for the petitioner would rely upon a judgment dated 04.02.2022 passed by this Court in the case of S.Muruganandam vs. J.Joseph reported in 2022 (2) CTC 291 and submit that the Rent Controller Court is precluded from going into the question of title and ownership of the premises. The oral tenancy created prior to the new Act and renewed only in the year 2017, after the commencement of the Act and therefore, the remedy available only before the competent Civil Court. Also relied upon another judgment of this Court dated 06.11.2013 in the case of S.R.Nanda Kishore vs The Body of Villagers reported in 2013 (3)



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4.Per contra, learned counsel for the respondent would submit that the revision petitioner has filed an application before the Rent Controller Court in I.A. No.... of 2024 in C.F.R. No.3288 of 2024 in R.L.T.O.P. No.01 of 2021 under Section 40(2) of the Act and Sections 10 & 151 of C.P.C. to stay the proceedings till the suit in O.S. No.218 of 2024 pending on the file of II Additional District Court at Erode reaching the conclusion. PW1 was examined and also cross examined and the case was posted for further examination. Upon hearing the submissions made on either side, the Court below vide order dated 11.11.2024 dismissed the application on the ground that R.L.T.O.P. No.1 of 2021 is filed for evicting the tenant and for recovery of possession and the suit in O.S. No.218 of 2024 is filed for declaration of title and permanent injunction and therefore, the reliefs sought for in the above said two proceedings are different in nature. As against the order passed by the Rent Controller Court dated 11.11.2024, the petitioner has not filed any revision or appeal. Learned counsel for the respondent would further submit that written tenancies created prior to the New Act and the period expired after the commencement of the Act. To strengthen his



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contention, he has relied upon the judgment dated 12.09.2022 reported in CDJ 2022 MHC 9428 in the case of J.Selvakumar vs. Rajeswari and another judgment dated 10.01.2023 in the case of Jata Shankar Mishra vs. Chembadevi reported in CDJ 2023 MHC 235.

5.It is not in dispute that the revision petitioner has come forward with this petition to strike off the R.L.T.O.P. proceedings. In the R.L.T.O.P. proceedings, PW1 was examined in chief and cross examined. The revision petitioner has also chosen to file an application in I.A. No.... of 2024 in C.F.R. No.3288 of 2024 in R.L.T.O.P. No.01 of 2021 under Section 40(2) of the Act and Sections 10 & 151 of C.P.C. to stay the proceedings till the suit in O.S. No.218 of 2024 pending on the file of II Additional District Court at Erode, till the suit reaches conclusion, however, the aforesaid application was dismissed on 11.11.2024. When the tenant or landlord is unable to establish that there is a written agreement of tenancy between them and if the Rent Controller Court finds that no such document has been filed, then there is no necessity to call a witness. In such circumstances, the Rent Controller Court is empowered to decide the issues with reference to the grounds raised under Section 21(2)(a) of the Act.



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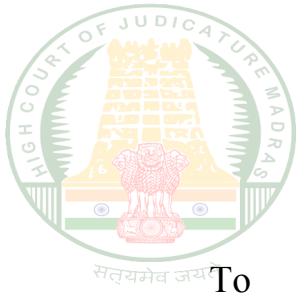
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6.It is seen from records that Rent Controller Court vide order dated 11.11.2024 dismissed the un-numbered petition in I.A./2024 in C.F.R. No.3288 of 2024 on the ground that R.L.T.O.P. No.1 of 2021 is filed for evicting the tenant and for recovery of possession and the suit in O.S. No.218 of 2024 is filed for declaration of title and permanent injunction and therefore, the reliefs sought for in the above said two proceedings are different in nature. Admittedly, the revision petitioner as against the above order dated 11.11.2024 has not preferred any appeal or revision in a manner known to law. The revision petitioner has not shown any extraordinary circumstances to strike off the R.L.T.O.P. proceedings and there is no merit in this petition, hence, this Court is not inclined to allow this petition.

7.In the result, this petition is dismissed. No costs. Consequently, connected C.M.P. is closed.

25-09-2025

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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To
The Rent Controller/
Principal District Munsif Court, Erode.



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