



WEB COPY

CRP. PD. Nos.1871 & 1873 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP. PD. Nos.1871 & 1873 of 2025

and CMP. No.10784 & 10792 of 2023

P.Kumar

Petitioner in the CRP. No.1871 of 2023

P.Devaraj

Petitioner in the CRP. No.1873 of 2023

Vs

1. Mohamed Zahoorullah
2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
Chennai 690 001.

Respondents in the above CRPs

COMMON PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the orders dated 26.03.2025 made in M.P. No.4 of 2024 in R.L.T.O.P. No.317 of 2023 & R.L.T.O.P. No.320 of 2023 on the file of the XII Court of Small Causes, Chennai by allowing this Civil Revision Petition.

(in all CRPs)

For Petitioner : Mr. A.Saravanan in both CRPs

For Respondent : Mr.Inamdar Ameenur Rahman Sulam
in both CRPs



COMMON ORDER

The Petitioners in both Civil Revision Petitions challenges the order of dismissal of the impleading Application in M.P. No.4 of 2024 in R.L.T.O.P. Nos.317 & 320 of 2023 before the XII Court of Small Causes, Chennai.

2. The petitioners are the tenants under the first respondent. The first respondent has filed the above main R.L.T.O.P. Nos.317 & 320 of 2023, seeking eviction of the revision petitioners on the ground of there being no subsisting tenancy agreement between the parties as contemplated under Section 21 2 (a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (in short 'TNRRRLT Act'). Pending disposal of the RLTOP, the revision petitioners/tenants have taken out an Application in M.P. No.4 of 2024 seeking impleadment of the Chief Executive Officer, Tamil Nadu Wakf Board. The said Application was resisted by the first respondent/landlord. The Rent Court has dismissed the said Application filed under Order I Rule 10 of CPC and aggrieved by the said order, the tenants are before this Court by way of the above the present revisions.



3. I have heard Mr. A.Saravanan, learned counsel for the petitioners and Mr.Inamdar Ameenur Rahman Sulam, learned counsel for the respondent. I have gone through the pleadings in R.L.T.O.P. Nos.317 & 320 of 2023 as well as M.P. No. 4 of 2024 and I have also perused the dismissal order passed in M.P. No. 4 of 2024.

4. I find that the petitioners/tenants have admitted the tenancies. They also speak about a rental agreement for the short span of time and subsequently, the tenancy being renewed orally, periodically. However, when the eviction proceedings were initiated, the petitioners claim that they have come to know through RTI letters that a gift deed was executed by one Janab Ahmed Hussain Sahib dated 14.07.1921, dedicating the property to the Wakf Board. According to the revision petitioners/tenants, the Wakf Board, is therefore proper and necessary party to the eviction proceedings.

5. The learned counsel for the respondent would however contend that the Rent Court has rightly rejected the Application for impleadment stating that even the Writ Court as well as findings of a Competent Civil Court are clear on this aspect, finding that the Wakf Board has no interest in the property and the settlement deed which has been referred



to in WP. No.40652 of 2025 order dated 14.09.2022 has also spoken about the interest of the Wakf Board. The learned counsel for the

respondent would therefore submit that there is absolutely no merit in the revisions and it is yet another attempt to drag on the proceedings.

6. I have considered the submissions advanced by the learned counsel on either side.

7. Admittedly, the new Act has replaced the then existing Tamil Nadu Buildings (Lease and Rent Control) Act, Act 18 of 1960. A landlord need not be the owner of the premises. What is necessary for invoking the jurisdiction of present Act as well as the repealed Act is only jural relationship of landlord and tenant. Here admittedly, the petitioners/tenants have clearly gone on record stating that even their father was a tenant under the first respondent and only pending the eviction proceedings, the revision petitioners have attempted to fish for information and gather certain information, by invoking provisions under the Right to Information Act, 2005.

8. The Deed of Settlement of the year 1921 will not in any manner, assist the Rent Court in deciding the contentious issue before it,



which is only with regard to the existence of a subsisting tenancy agreement as contemplated under Section 21 (2)(a) of TNRRRLT Act and

whether there has been a failure to enter into a tenancy agreement in the terms of the new Act. There is no merit in these revisions. Therefore, there is absolutely no error in the findings rendered by the Rent Court.

9. Accordingly, these Civil Revision Petitions are dismissed.

Connected Miscellaneous Petitions are also dismissed. No costs.

09.06.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

The Judge,
XII Court of Small Causes,
Chennai.



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P.B.BALAJI.J.

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