



CRP NPD.Nos.3145 & 3146 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

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Date : 23.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP [NPD] Nos.3145 & 3146 of 2025

&

CMP.Nos.17523 & 17526 of 2025

Nimba Ram, Shop No.B-16 in Block B,
Mezzanine Floor, Old NO.29, New No.24,
Nawab Habibullah Electronic Market,
Waller Road, Mount Road,
Chennai – 600 002.

. . . Petitioner in CRP.No.3145 of 2025

Nimba Ram, Hero Mobiles,
Shop No.B-14 in Block B,
Mezzanine Floor, Old NO.33, New No.24/32,
Nawab Habibullah Electronic Market,
Waller Road, Mount Road,
Chennai – 600 002.

. . . Petitioner in CRP.No.3146 of 2025

Versus

Durdana

. . . Respondent in both CRPs



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COMMON PRAYER : Petitions filed under Article 227 of Constitution of India to set aside the Order dated 06.01.2025 passed by the XXI Additional City Civil Court, Allikulam, Chennai made in RLTA Nos.43 and 42 of 2024 by reversing Fair and Decreetal Order dated 22.11.2023 passed by the XV Judge, Small Causes Court, Chennai made in RLTOP Nos.29 and 33 of 2023 respectively and allow these Civil Revision Petitions.

For petitioner : Mr.D.Gopinathan [in both CRPs]

For respondent : Mr.L.Dhamodharan [in both CRPs].

COMMON ORDER

Challenging the reversal of the findings by the Rent Tribunal and the consequential order of eviction, the tenant has filed the present Civil Revision Petitions before this Court.

2. On 15.04.2016, the respondent leased out a shop premises to the revision petitioners for a period of ten years from 15.04.2016 and 03.03.2017 respectively. The agreed monthly rent was Rs.4,000/-. The revision petitioners committed willful default in payment of rent for the period from June 2021 to



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April 2022 and September 2021 to April 2022 respectively. The revision petitioners having committed default in payment of monthly rent evaded to come forward to enter into a fresh lease agreement with the petitioner inspite of repeated oral demands. After issuing legal notice, the respondent terminated the tenancy. Even after receipt of notice as the revision petitioners neither paid rent nor vacate the premises, a petition for eviction has been filed by the respondent. The Rent Court, by its order dated 22.11.2023, dismissed the eviction petition in R.L.T.O.P.Nos.33 and 29 of 2023 filed by the landlord. It held that although the original tenancy agreements dated 15.04.2016 and 03.03.2017 respectively were unregistered, the tenancy subsisted until 15.04.2026 and 03.03.2027. Since the eviction petition was filed during the subsistence of the tenancy and under an agreement executed prior to the commencement of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (RRRLT Act), the Rent Court, relying on the decision in **S. Muruganandam v. J. Joseph [2022 (2) CTC 291 (Mad)]**, found that no ground for eviction was made out.

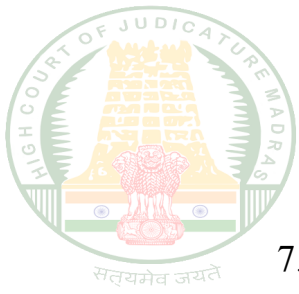


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4. Aggrieved by the order of the Rent Court, the landlord filed an appeal in R.L.T.A.Nos.42 and 43 of 2024 before the Rent Tribunal. By judgment dated 06.01.2025, the Rent Tribunal reversed the findings of the Rent Court, holding that, in the absence of compliance with the mandatory provisions of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (RRRLT Act), particularly the requirement of a registered tenancy agreement, the tenancy could not be treated as validly subsisting. Consequently, the Rent Tribunal concluded that the landlord had established a valid ground for eviction. The present revision petitions, filed by the tenant, challenging the validity of the aforesaid judgment of the Rent Tribunal.

5. The revision petitions are listed today for hearing on the question of admission.

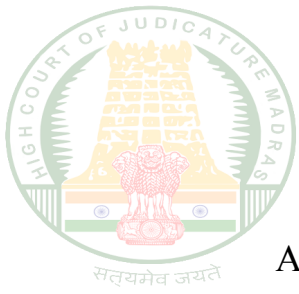
6. Heard Mr.D.Gopinathan for the revision petitioners/tenants and Mr.L.Dhamodharan for the respondent/landlord and also perused the available records carefully.



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7. In the case of Babitha Devi v. Rajendra Kumar and another (CRP No. 2252 of 2024, dated 08.01.2025), this Court considered a revision petition challenging concurrent findings of eviction as ordered by the Rent Court and confirmed by the Rent Tribunal. While upholding the eviction, this Court, following the decision in S. Muruganandam v. J. Joseph [2022 (2) CTC 291 (Mad)], held that the proviso to sub-section (2) of Section 4 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (RRRLT Act) gives rise to a cause of action for the landlord to seek eviction under Section 21 of the Act, where either the tenant or the landlord fails to enter into a registered tenancy agreement. The relevant paragraphs of the order of this court read as under:-

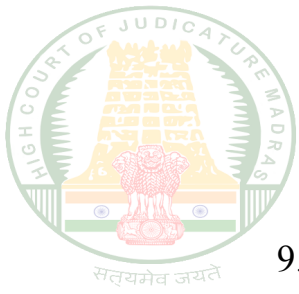
“The very object of the Act is to regulate the rent between the landlord and the tenant as per the terms agreed between the parties. Only to achieve such terms to be entered between the parties, Section 4 makes it clear that even in respect of the existing tenancy when there is no agreement entered between the parties, the parties were required to enter an agreement in writing within a period of 575 days from the date of commencement of



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Act, i.e., 22.02.2019. Proviso to sub-section (2) to Section 4 of the New Act makes it clear that irrespective of the failure on the part of the tenant or the landlord in entering an agreement, the same will give right to either the landlord or the tenant to apply for termination of the tenancy under clause (a) of sub-section (2) of Section 21 of the new Act. In other words, the above proviso makes it clear that non entering of agreement in writing, even on the mistake of both sides, will give rise to cause of action to the landlord for eviction under Section 21 of the New Act.”

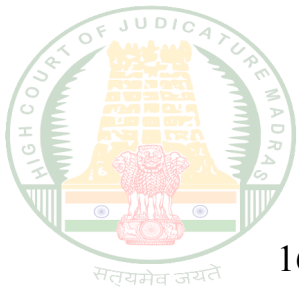
8. When this Court was about to dismiss the revision petitions at the admission stage itself, finding no merits in light of the settled position of law, the learned counsel for the revision petitioners promptly filed an affidavit sworn by the revision petitioners/tenants, seeking time till 31.12.2025 to vacate and hand over vacant possession of the subject premises. According to the revision petitioners, they had invested a substantial amount in the business being carried on at the premises and, therefore, requires time till 31.12.2025 to vacate and deliver possession.



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9. Considering the affidavit filed by the petitioners, time is granted to the petitioners till 31.12.2025 to vacate the premises and the affidavits filed in this regard are recorded and time is granted to the revision petitioners till 31.12.2025 to vacate and hand over vacant possession of the subject premises to the respondent/landlord.

12. It is further made clear that, in the event the revision petitioners/tenants violate the undertaking given before this court, they shall be liable to be proceeded against for contempt of Court for breach of the said undertaking. In addition, a suitable direction shall be issued to the Commissioner of Police, Chennai, to ensure that the revision petitioners/tenants, or any other person in occupation of the subject premises, is evicted forthwith and vacant possession is handed over to the respondent/landlord. Until the subject premises is vacated and vacant possession is handed over by the revision petitioners/tenants to the respondent/landlord, the revision petitioners/tenants shall continue to pay the agreed rent without any default.



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16. In the light of the above directions, this Civil Revision Petitions are dismissed. Time is granted to the revision petitioners/tenants to hand over vacant possession of the subject premises to the respondent/landlord on or before 31.12.2025. The affidavit of undertaking filed by the revision petitioners/tenants shall form part of the record. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

23.07.2025

Index : Yes / No

Internet: Yes

Speaking/non speaking order

vrc

To,

1. The XXI Additional Judge,
City Civil Court, Chennai.
2. The XV Judge,
Court of Small Causes, Chennai.



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N. SATHISH KUMAR, J.

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