



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4988 of 2025
and CMP. No.25208 of 2025

Mr.Vijayraj Bhandari

... Petitioner

Vs.

1.Mangi Devi
2.Hitesh J.Jain
3.Mahipal J.Jain
4.Teena J.Jain

... Respondents

PRAYER: Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the order dated 11.08.2025 in E.P. No.776 of 2025 in R.L.T.O.P. No.744 of 2021 on the file of the XIII Small Causes Court at Chennai.

For Petitioner : Mr.P.Sunil

For Respondents : Mr.S.Poovendhan

ORDER



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The tenant is the revision petitioner. The tenant who suffered concurrent orders of eviction before the Rent Court as well as the Rent Tribunal. The present revision has been filed challenging the order in E.P. No.776 of 2025, in and whereby the Executing Court has ordered delivery.

2. I have heard Mr.P.Sunil, learned counsel for the petitioner and Mr.S.Poovendhan, learned counsel for the respondents.

3. The grievance of the revision petitioner is that though Section 39 of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017, Act 42 of 2017, (in short 'TNRRLT Act, 2017') mandates notice to be issued to the tenant, without ordering notice, the Executing Court has proceeded to straightaway ordered delivery. He would therefore state that it is a material irregularity committed by the Executing Court and therefore, the order of delivery has to be recalled. Additionally, the learned counsel would also contend that the Execution Petition itself is premature, since the petitioner had a period of 90 days to challenge the judgment of the Rent Tribunal before this Court and even before the expiry of the said period, the respondents/decreed holders proceeded to file the Execution Petition.



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4. Per contra, the learned counsel appearing for the respondent Mr.Pooventhan, would submit that as against the judgment of the Rent Tribunal, the petitioner filed a revision petition before this Court and the revision also came to be dismissed in CRP. No.454 of 2024 on 24.06.2025 and as against the same, the revision petitioner filed Special Leave to Appeal (Civil) No.25781 of 2025 and on 22.09.2025, the SLP has been dismissed granting time to the petitioner to vacate the tenanted premises on or before 31.01.2026. A copy of the order of the Hon'ble Supreme Court is also produced by the learned counsel for the respondents.

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

6. Insofar as the contention that the Execution Petition is premature, the said argument is without any substance. The TNRRRLT Act, 2017 does not provide for a statutory revision as against the judgment of the Rent Tribunal. In fact, the judgment of the Rent Tribunal is expressly made final and therefore, even the revision that has been filed against the judgment of the Rent Tribunal in CRP. No.454 of 2024 is only under Article 227 of the



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Constitution of India. There is no limitation period insofar as filing revision petitions under Article 227 of the Constitution of India and therefore the very contention that the petitioner has 90 days to file a revision petition is fallacious. In any event, the landlords who have succeeded in the eviction petition need not wait till the tenant challenges the order before the Higher Courts. As long as the decree becomes executable, depending on the directions regarding time to vacate being given, the landlords are always at liberty to initiate Execution Proceedings. It is for the tenant to be vigilant and challenge the orders, if aggrieved, without any delay.

7. Even with regard to the second contention that though Section 39 of the TNRRRLT Act, mandates notice to be issued prior to ordering delivery, in the present case, no doubt there may have been an order of delivery passed without issuing notice to the petitioner. However in view of the subsequent events, viz., the petitioner approaching the Hon'ble Supreme Court as against the dismissal of the Civil Revision Petition filed by the revision petitioner and the Hon'ble Supreme Court having granted time to the petitioner to vacate on or before 31.01.2026, subject to certain conditions, I do not see how the petitioner is in any manner prejudiced by the Executing Court ordering delivery, without issuing notice to the



petitioner.

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8. In fact, when a question was posed to the learned counsel for the petitioner as to whether the affidavit of undertaking has been filed as directed by the Hon'ble Supreme Court, the learned counsel stated that in Diary No.39276 of 2025 on 06.10.2025, the affidavit of undertaking has been filed. In fact, I find from the order passed by the Hon'ble Supreme Court that defiance of the terms of the order would be treated as non-compliance of the order of the Hon'ble Supreme Court. In such circumstances, there is absolutely no necessity to decide this revision, which in fact has been filed prior to the Hon'ble Supreme Court granting time to vacate and handover vacant possession. The non issuance of notice is not required to be applied in this case. This revision does not deserve consideration, especially in view of the subsequent events that have unfolded.

P.B.BALAJI.J.,
rkp

9. In the light of the above, there is no merit and the Civil Revision Petition is dismissed. No costs. Connected Miscellaneous Petition is also



dismissed.

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Speaking/Non-speaking : Yes

Index : Yes

rkp

To

The Judge, XIII Small Causes Court at Chennai.

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