



C.R.P.(PD)No.189 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **29.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)No.189 of 2025  
and C.M.P.No.1283 of 2025

A.Thiruvengadam

.. Petitioner

Vs

1.D.Neela

2.S.Lakshmi

3.M.Anitha

4.S.Kavitha

5.P.Kanchana

6.G.Priya

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to quash the petition in R.L.T.O.P.No.461 of 2024 pending on the file of the XV Small Causes Court, Rent Controller, Chennai.

For Petitioner : Mr.K.Pradeep

**ORDER**



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**WEB COPY** This civil revision petition seeks to quash R.L.T.O.P.No.461 of 2024 on the file of the XV Court of Small Causes (Rent Controller), Chennai. It is a petition for eviction under Section 21(2)(a) of the Tamil Nadu Regulation of Rights & Responsibilities of Landlords and Tenants Act, 2017 (hereinafter referred to as “TNRRLT Act”).

2.For the sake convenience, the parties are referred to as landlords and tenant.

3.The relationship between the petitioner and the respondents is not in dispute. The petitioner is the tenant and the respondents are the landlords. Between the very same parties, a petition for eviction had been presented by the landlords in R.C.O.P.No.279 of 2019 on the file of the XII Court of Small Causes, Chennai. That petition was presented under Section 14(1)(b) of the erstwhile Tamil Nadu Buildings (Lease and Rent Control) Act. It came to be withdrawn on 15.07.2024. Subsequently, the landlords, on 05.08.2024, presented R.L.T.O.P.No.461 of 2024 before the XV Court of Small Causes (Rent Controller), Chennai seeking eviction on the ground of Section 21(2)(a) of the TNRRLT Act. Aggrieved by



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the very presentation, the tenant is on revision before me.

WEB COPY

4.It is the argument of Mr.K.Pradeep that the presentation of the R.L.T.O.P. is barred by proviso appended to Section 47(2) of TNRRRLT Act. It states that any eviction proceedings should be withdrawn within a period of 270 days from the date of commencement of the Act. However, in this case, the Act which came into force in the year 2019, R.C.O.P.No.279 of 2019 was withdrawn five years thereafter. Hence, he pleads that R.L.T.O.P. is hit by virtue of Section 47(2) proviso.

5.I have considered the submissions of Mr.K.Pradeep. I have gone through the provision.

6.The purpose of inserting the proviso to Section 47(2) of the TNRRRLT Act is to prevent simultaneous proceedings on the same cause of action being proceeded before two forums under separate legislations. In the facts of this case, R.C.O.P.No.279 of 2019 was presented under Section 14(1)(b) for demolition and reconstruction of the premises. The present petition has been filed under Section 21(2)(a) read with 21(2)(g). The cause of action under Section 21(2)(a) is that there is no agreement



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between the landlords and tenant. Such a ground for eviction was not available with the landlords under Act 18 of 1960. It is a new ground that has been introduced by virtue of Section 4(2) read with Section 21(2)(a) of TNRRRLT Act. Therefore, the landlords not having presented it on the same cause of action as R.C.O.P.No.279 of 2019, the present petition cannot be barred by the proviso.

7.If I were to agree with the submissions of Mr.K.Pradeep, as the eviction petition under the erstwhile Act was not withdrawn within a period prescribed under the proviso to Section 47(2), then a landlord could never seek for eviction. This would be reducing the Act to an absurdity. It is the duty of a Court to interpret a legislation, in such a manner the purpose for which the legislation has been made, is given effect to.

8.When Section 47(2) proviso is clear that it bars only filing of a fresh application on the same subject matter of the proceedings, it cannot be extended across the spectrum as against all eviction proceedings. An option is given to the landlord either to proceed under the old Act or under the new Act. The right of a litigant to withdraw the proceedings



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and file a fresh proceedings cannot be taken away. This is because, every day post the TNRRRLT Act has come into force, when an agreement is not entered into between the landlord and the tenant as contemplated under Section 4, a cause of action arises for the landlord to file a petition for eviction.

9.In the light of the above discussions, I am not inclined to entertain the revision. The civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**29.01.2025**

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

kj

To

XV Small Causes Court, Rent Controller, Chennai.

**V. LAKSHMINARAYANAN,J.**



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