



CRP.No.5005 of 2025 and CMP.No.25306 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CRP.No.5005 of 2025  
and  
CMP.No.25306 of 2025

Mr.G.K.Mohammed Sahil

... Petitioner / Petitioner /  
Proposed 2nd Respondent

Versus

1. Mrs.Fathima Shahul Hameed

Represented by her Power Agent,  
Mr.E.M.Abdul Jaffer

... 1st Respondent / 1st Respondent /  
Applicant

2. Mr.Basheer Ahmed Sayeed

Sole Proprietor,  
M/s. Sarcar Cycles, Shop No.4,  
Ground Floor, Door No.37,  
Triplicane High Road, Chennai - 600 005.

... 2nd Respondent / 2nd Respondent /  
1st Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.09.2024 passed in



CRP.No.5005 of 2025 and CMP.No.25306 of 2025

M.P.No.3 of 2025 in RLTOP.No.509 of 2024 on the file of the XI Small Causes Court at Chennai, consequently to allow the above Civil Revision Petition.

For Petitioner : Mr.L.Rageshbhagavath

### **ORDER**

Unsuccessful proposed party has preferred the present Civil Revision Petition.

2. Originally Mrs.Fathima Shahul Hameed, represented by her Power Agent, Mr.E.M.Abdul Jaffar, filed R.L.T.O.P. No.509 of 2024 on the file of the XI Small Causes Court, Chennai under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenants Act, 2019, seeking an order directing the respondent to vacate and hand over vacant possession of the shop portion run by the respondent. During the proceedings, the proposed party, Mr.G.K.Mohammed Sahil (the revision petitioner), filed an application in M.P.No.3 of 2025 in R.L.T.O.P.No.509 of 2024 under Order 1 Rule 10 (2) and read with Section 151 of the CPC, seeking to implead himself as one of the respondents in the R.L.T.O.P



proceedings. Upon hearing either side, the Court below, *vide* order dated 08.09.2025, dismissed the application on the ground that the R.L.T.O.P had been filed seeking eviction on the ground of non-execution of a written agreement as contemplated under Section 4 (2) of the Act, 2017. The Court below held that in such an application, no other issue could be decided except whether there is a relationship of landlord and tenant between the parties. Aggrieved over the same, the revision petitioner has preferred the present Civil Revision Petition.

3. According to the revision petitioner, the second respondent / Mr.Basheer Ahmed Sayeed, executed an unregistered Power of Attorney dated 01.04.2024 in favour of the revision petitioner, who has since been in occupation of the premises and carrying on business there with proper sanctions and permission from the competent authorities. In such circumstances, the first respondent / Mrs.Fathima Shahul Hameed, filed the eviction proceedings against the said second respondent / Mr.Basheer Ahmed Sayeed to evict him from the premises. The second respondent / Mr.Basheer Ahmed Sayeed, in collusion with the first respondent /



Mrs.Fathima Shahul Hameed, appeared before the Rent Court and falsely stated that he had not executed any Power of Attorney in favour of anyone and sought time to file a memo in the R.L.T.O.P.

4. It is pertinent to note that the Power of Attorney dated 01.04.2024 executed between the revision petitioner and the second respondent was well known to the first respondent, who had also given her consent. The revision petitioner has been carrying on business in the petition premises and remains in physical possession thereof. Despite this, the first respondent / Mrs.Fathima Shahul Hameed, failed to implead the revision petitioner as a party in the R.L.T.O.P proceedings.

5. The learned counsel appearing for the revision petitioner submitted that the Court below failed to consider that the second respondent / Mr.Basheer Ahmed Sayeed, had executed an unregistered Power of Attorney dated 01.04.2024 in favour of the petitioner for carrying on the business. Further, Court below failed to consider that the revision petitioner had obtained a valid license from the competent authorities and was running the



business lawfully. The learned counsel further submitted that the Court below failed to take into account that the second respondent / Mr.Basheer Ahmed Sayeed, had colluded with the first respondent, and though he was appearing in the Court proceedings, he has not authorised any power to any agent to represent him and he sought time to file a memo on 28.04.2025, and subsequently, the second respondent / Mr.Basheer Ahmed Sayeed filed a memo in the RLTOP proceedings stating that the general Power of Attorney earlier executed by him had been cancelled, and therefore, it was no longer in force. He also stated that he was not interested in continuing the tenancy. The learned counsel further submitted that the Court below failed to consider that the first respondent / Mrs.Fathima Shahul Hameed, and the second respondent / Mr.Basheer Ahmed Sayeed, had colluded together, and the first respondent was attempting to obtain an eviction order against the second respondent to evict the revision petitioner from the petition premises.

6. It is seen from the records that the main R.L.T.O.P was filed under Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlord and Tenant Act, 2019, seeking eviction of the second respondent



on the ground of non-execution of a written agreement as contemplated under

Section 4 (2) of the Act, 2017. The issues framed include whether a landlord and tenant relationship exists between the parties and whether a written agreement, as contemplated under the Act, was executed. It is also seen from the records that the revision petitioner contented that the decree would be unexecutable since he is in possession of the premises and therefore, ought to have been impleaded in the main R.L.T.O.P proceedings.

7. However, in view of the fact that the main R.L.T.O.P proceedings exist only between the landlord and the tenant, there is no necessity to implead a third party. The revision petitioner had earlier appeared as the power agent of the first respondent, and therefore, his impleadment in the R.L.T.O.P proceedings is unwarranted.

8. In view of the above, there is no reason to interfere with the order dated 08.09.2024 passed in M.P.No.3 of 2025 in R.L.T.O.P.No.509 of 2024, pending on the file of the learned XI Small Causes Court, Chennai.



CRP.No.5005 of 2025 and CMP.No.25306 of 2025

9. Accordingly, this Civil Revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

**17.10.2025**

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Index : Yes/No

Speaking order : Yes/No

Neutral Case Citation : Yes/No

To

The learned XI Small Causes Court, Chennai.



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CRP.No.5005 of 2025 and CMP.No.25306 of 2025

**M. JOTHIRAMAN, J.**

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17.10.2025