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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.10.2026

PRONOUNCED ON :30.10.2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 4602 of 2026

CNR:{HCMA011734092026}

AND

CMP NO. 20205 OF 2026

T.Kamalakannan
S/o Thulukkaana Naicker,
Now Carrying on business of
T.K.Electricals
No.117, West Raja Street,
Kanchipuram

..Petitioner(s)

Vs

Sri Colla Chiganna Chetti Charities
Rep by its Hereditary Trustee
C.V.Chandrasekar
S/o C.G.Cunniah Chettiyar,
No.118, West Raja Street,
Kanchipuram

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act 1960 praying to set aside the Judgement and Decreetal order in RCA.No.1 of 2021 Dated 20.01.2026 passed by the Rent Control Appellate Tribunal/Principal Subordinate Court at Kancheepuram by conforming the Judgement and Decreetal order in RCOP.No.7 of 2019 dated 18.12.2020 passed by the Rent Controller/Principal District Munsif, Kancheepuram.

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For Petitioner(s): T.Karunakaran

For Respondent(s): M/s.S. Ravi
Senior Advocate
for A.Venkatesh Kumar

Order

This Civil Revision Petition is filed challenging the order passed by the Rent Appellate Tribunal allowing the appeal filed by the respondent challenging the order passed by the Rent Court allowing the original petition filed by the petitioner/tenant for deposit of rent.

2. The facts leading to filing of this revision are as follows:

The respondent herein filed a Rent Control Eviction Petition against the petitioner in R.C.O.P.No.6 of 2007, on the file of Principal District Munsif Court, Kancheepuram, seeking eviction on the ground of wilful default, demolition and reconstruction.

(ii) The Eviction Petition was allowed on both the grounds. The petitioner challenged the eviction order before the Rent Control Appellate Authority cum Subordinate Judge, Kancheepuram in RCA.No.12 of 2012. The appeal filed by the petitioner was dismissed. Thereafter, the petitioner filed a revision before this Court in CRP(NPD).No.3718 of 2018 and the same was

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allowed on 14.07.2021 and the petitioner was directed to deposit the rent in the application filed by him in RCOP.No.7 of 2019.

(iii) It is pertinent to mention that said RCOP.No.7 of 2019 was filed by the petitioner for deposit of Rent under Section 8(5) of Tamil Nadu Buildings Lease and Rent Control Act as the respondents refused to receive the monthly Rent subsequent to the filing of the above mentioned civil revision petition.

(iv) The deposit application was allowed by the Rent Controller and aggrieved by the same the respondent filed an appeal in RCA.No.1 of 2021 on the file of Rent Control Appellate Authority, Kancheepuram. The said appeal was allowed and the deposit application filed by the petitioner was dismissed as not maintainable, subsequent to the repeal of the Tamil Nadu Buildings Lease and Rent Control Act. Aggrieved by the said order, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner assailed the impugned order passed by the Rent Tribunal on the following grounds:

(i) The Rent Tribunal failed to take into consideration the order passed by this Court in CRP(NPD).No.3718 of 2018.

(ii) Even, if the petition for deposit of Rent is held to be not maintainable under the repealed enactment, the same can be treated as an application for

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deposit of rent under Section 14 of New Act, namely, Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017(herein after called as TNRRRLT Act).

(iii) The respondent refused to receive rent from the petitioner from 05.02.2019 onwards and the cause of action for deposit application arose even prior to coming into force of TNRRRLT Act. Therefore, the deposit petition filed on the basis of the cause of action that arose prior to coming into force of New Act was very well maintainable.

(iv) This Court in CRP(NPD).No.3718 of 2018 directed appointment of Executive Officer to the respondent Trust. Therefore, the appeal filed by the respondent Trust through its hereditary trustee was not at all maintainable.

4. It is not in dispute that TNRRRLT Act came into force from 22.02.2019, as per the Gazette notification vide G.O.Ms.No.35 H&UD (HB4) Department, dated 22.02.2019.

5. Section 47 of TNRRRLT Act repeals Tamil Nadu Buildings Lease and Rent Control Act. Therefore, it is clear, when the petitioner presented deposit application before the Rent Controller on 20.03.2019, Tamil Nadu Buildings Lease and Rent Control Act was repealed and New Act came into force. After

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repeal of Old Act, the petitioner is not entitled to file an application invoking the provisions of the Old Act.

6. Section 47 of TNRRRLT Act reads as follows:

47.*Repeal and savings:*

(1) The Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 (Tamil Nadu Act 18 of 1960) is hereby repealed.
(2) Notwithstanding such repeal and subject to the provisions of this Act, all cases and other proceedings under the said Act pending, at the commencement of this Act, shall be continued and disposed of in accordance with the provisions of the said Act, as if the said Act had continued in force and this Act had not been passed:
Provided that the plaintiff within a period of 270 days of coming into force of this Act shall be entitled to withdraw any suit or appeal or any other proceeding pending under the repealed Act with liberty to file fresh application in respect of the subject matter of such suit or appeal or any other proceeding under and in accordance with the provisions of this Act, and for the purposes of limitation, such application if it is filed within a period of 360 days from the commencement of this Act be deemed to have been filed on the date of filing of the suit which was withdrawn and in case of withdrawal of appeal or other proceedings on the date on which the suit was filed out of which such appeal or proceeding originated.

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7. The savings clause in the above said section only permits the continuation of the cases and other proceedings under the Old Act. However, there is no enabling provision in the Act permitting parties to invoke the provisions of the repealed Act, even after repeal of the enactment. Therefore, the deposit application filed by the petitioner on 20.03.2019, subsequent to the repeal of the Old Rent Control Act is not at all maintainable in the absence of any enabling provision permitting the parties to file petition based on cause of action that arose prior to repeal of the Act.

8. In the case on hand, as per the averment found in the original petition, the landlord refused to receive rent from 05.02.2019 onwards and the Act came into force only on 22.02.2019. Even though, the cause of action for filing the petition(refusal by the landlord) said to have taken place prior to repeal of the Act, admittedly, the petitioner has not filed deposit application prior to repeal of Act. In the absence of express enabling provision for invoking the provision of the repealed Act, in respect of the cause of action that arose prior to the repeal of the Act, the petitioner is not entitled to say that he can make use of the provisions of the repealed Act and maintain the deposit application before the Rent Court.

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9. It was vehemently contended by the learned counsel for the petitioner that this Court in CRP(NPD).No.3718 of 2018 permitted the petitioner to deposit the rent in the pending deposit application in RCOP.No.7 of 2019 and the same has not been taken into consideration by the Rent Tribunal while passing the impugned order.

10. A perusal of the order passed by this Court in the above mentioned Civil Revision Petition would indicate that this Court never considered the maintainability of the deposit application filed by the petitioner in RCOP No.7 of 2019. In the said order, this Court observed that the petitioner as a tenant was bound to pay rent to the landlord and in view of the dispute with regard to the appointment of Executive Officer to the respondent Trust, directed the petitioner to deposit the Rent in the deposit application filed by him, which was pending before the Rent Controller at that point of time. When the legal issue pertains to maintainability of the deposit application under the Old Act was not considered by this Court in the above mentioned Civil Revision Petition order, the direction issued in the Civil Revision Petition to deposit the amount in the deposit application will not confer any better right to the petitioner.

11. It is pertinent to mention that when the old Rent Control Act is repealed, the Rent Controller constituted under the old Act ceased to exercise power and he had no jurisdiction to entertain the application under the provision

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of the Old Act. Therefore, the submission made by the learned counsel for the petitioner by relying on the order passed in CRP(NPD).No.3718 of 2018 is not appealable to this Court.

12. As mentioned earlier, the new Act came into force on 22.02.2019. The petitioner herein filed deposit application in RCOP.No.7 of 2019 on 20.03.2019. It is also not in dispute that the Government constituted Rent Court under the new Act only on 02.05.2019 under G.O.Ms.No.63 Housing and Urban Development, (HB4) Department. Therefore, from 22.02.2019 to 02.05.2019, though new Act came into force, the Rent courts were not constituted. In view of that precarious situation, even assuming that the petitioner wanted to file an application under new Act, he could not have filed it on 20.03.2019. Therefore, this Court has to see whether the deposit application filed by the petitioner under the old Act could be treated as the application filed under Section 14 of the new Act in view of the failure of the government to constitute Rent Court under the provisions of the new Act, even after repealing of the old Act. The Proviso to Section 47 of TNRRRLT Act gives an answer to the question arises for consideration in this regard. It enables the petitioner to withdraw the proceedings initiated under the repealed Act with liberty to file fresh application under the provisions of the new Act within 270 days from the date of coming into force of this Act. The aim of proviso to Section 47 of TNRRRLT Act gives a window period of 360 days for the parties to withdraw

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the proceedings initiated by them under old Act and initiate proceedings under the new Act. The main object of providing the window is to take care of the confusion that would arise due to repeal of the old Act and the introduction of new Act, delay in constitution of Rent Courts and Rent Tribunals under the new Act. In view of enabling provision available under proviso to Section 47 of New Act, the petitioner who filed the deposit application under the old Act could have easily withdrawn the same within the window period and filed an application under new Act after constitution of Rent Court by G.O.MS.No.63, dated 02.05.2019. The petitioner failed to avail the benefit conferred by proviso to Section 47 of TNRRRLT Act and present an application under the new Act.

13. As mentioned earlier, after repeal of the Old Rent Control Act, the petitioner is not entitled to invoke the provisions of the same and maintain an application for deposit of the rent under the provision of the Old Act. Since the petitioner failed to avail an opportunity of filing the petition under New Act after withdrawing the proceedings pending under old Act within the window period, he is not entitled to argue that the petition filed by him under the Old Act shall be treated as one filed under the New Act. The said submission made by the learned counsel for the petitioner is also rejected.

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14. As far as the contention raised by the petitioner that an executive officer was appointed to the respondent Trust and therefore the respondent cannot be represented by hereditary trustee is concerned, the learned senior counsel appearing for the respondent produced a copy of the order passed by the Joint Commissioner, HR&CE Department, Kancheepuram, dated 28.07.2023 recognising next person in "line of succession" to the office of Hereditary Trustee of the respondent Trust. The appeal before the Rent Tribunal was filed by the respondent Trust represented by it's Hereditary Trustee. Therefore, the same is very well maintainable. Further it is pertinent to mention that the appointment of Fit Person by the HR&CE Department was set aside by this Court in W.P.No.14663 of 2023 and the Department was directed to consider the claim of next person in "line of succession". Subsequently, the Department also recognized the claim of next person in "line of succession" to the office of Hereditary Trustee. Therefore, the said technical objection made by the learned counsel for the petitioner is also not appealable to this Court.

15. In view of the discussion made earlier, this Civil Revision Petition is dismissed. The learned Rent Controller, Kancheepuram is directed to permit the petitioner to withdraw the amount already deposited by him to the credit of RCOP.No.7 of 2019. Since the deposit application under Old repealed Act is held to be not maintainable, the petitioner is at liberty to workout other remedies

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available to him under law. No costs. Consequently, connected miscellaneous petition is closed.

30.10.2026

Index : Yes
Speaking order:Yes
Neutral Citation:Yes
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To

1. The Rent Control Appellate Tribunal/Principal Subordinate Court, Kancheepuram.

2.The Rent Controller/Principal District Munsif,
Kancheepuram.

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S.SOUNTHAR J.

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Pre-delivery order made in
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