

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI,

Present: Thiru V.ESHWAR, B.E.,LL.B.,
DISTRICT MUNSIF, VANIYAMBADI

Dated this the 30th day of June, 2025

I.A. No. 2 of 2023
in
O.S. No. 55 of 2023

V.K. Murthy

S/o. Kaliperumal,
aged about 50 years,
Having shop premise at Door No. 487 (1st part),
Jinna Road, Khaderpet,
Vaniyambadi.

... Petitioner/Plaintiff

Versus

A. Senthilkumar

S/o. Late. R. Arumugham,
aged about 48 years,
residing at No. 148, Perambur Barracks Road,
Purasaivakkam, Chennai - 600 007.

... Respondent/Defendant

ORDER

1. This Interlocutory Application has been filed by the petitioner/plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908, seeking temporary injunction restraining the respondent/defendant, his men, agents and servants from interfering with the petitioner's peaceful possession and enjoyment of the suit property and for ad interim injunction to the same effect.

Brief Facts of the Case:

2. The petitioner has filed this application stating that he is in possession of a property situated at Door No. 487 (1st part), Jinna Road, Khaderpet, Vaniyambadi, which originally belonged to one Late R. Arumuga Chettiyar. The petitioner claims that in 2004, he approached the said Arumuga Chettiyar expressing his interest to use the property for procuring and selling old gunny bags. According to the petitioner, an oral agreement was entered into whereby he agreed to clean the site, raise four walls and cover it with cement sheet roofing. The petitioner further states that he was initially required to pay an advance of Rs. 25,000/- and a monthly rent of Rs. 300/-, which was subsequently increased to Rs. 450/- in 2015 when he occupied an additional portion of 200 sq.ft., and thereafter to Rs. 725/- per month.

3. The petitioner submits that Arumuga Chettiyar died on 07.10.2017, followed by his wife Umadevi on 24.10.2017, leaving behind four children including the respondent herein. The petitioner claims that he has been paying rent continuously to the respondent, who accepted the same as per their entitlement. However, the petitioner alleges that the respondent informed him to pay rent once in six months due to heavy bank charges. The petitioner further states that he received a letter dated 06.06.2023 from the respondent through Vaniyambadi Municipality and apprehends that the respondent is planning to evict him forcibly.

Arguments and Evidence by the Petitioner:

4. The learned counsel for the petitioner has strenuously argued that the petitioner has been continuously paying rent since 2004 and has relied on the following documentary evidence filed along with the plaint in support of his claim:

- I. **Document No. 1:** Twenty (20) rental receipts issued by Late R. Arumuga Chettiyar from 2004 to 2017, evidencing regular payment of rent to the original owner.
- II. **Document Nos. 2:** Ten (10) rental challans from 2019 to 2023 showing deposits made to the defendant/respondent's bank account, demonstrating continued payment even after the original owner's demise.
- III. **Document Nos. 3 to 5:** Electricity bill receipts in the petitioner's name, indicating his possession and use of the premises.
- IV. **Document No. 6:** Notice dated 06.06.2023 issued by the defendant/respondent, which forms the basis of the petitioner's apprehension of forcible eviction.
- V. **Document No. 7:** Photographs with CD of the suit premises taken on 11.06.2023, showing the current condition of the property.

VI. **Document No. 8:** Newspaper dated 11.06.2023 (relevance to be established during trial).

5. The petitioner's counsel has vehemently contended that the respondent cannot coerce the petitioner to vacate the premises and can only proceed through due process of law. The continuous payment of rent for nearly two decades establishes the petitioner's lawful possession and entitlement to protection against forcible eviction.

Points for Determination:

6. The following points for determination arises for consideration before this court:

- I. Whether the petitioner has made out a prima facie case?
- II. Whether the balance of convenience is in favour of the petitioner?
- III. Whether the petitioner would suffer irreparable loss and injury if the injunction is not granted?
- IV. To what relief the petitioner is entitled?

Discussion and Findings:

Point No. 1 - Whether the petitioner has made out a prima facie case?:

7. For grant of temporary injunction, the petitioner must establish a prima facie case in his favour. The petitioner has produced substantial documentary evidence including 20 rental receipts from 2004 to 2017 (Document No. 1) and 10 bank challans from 2019 to 2023 (Document No. 2), prima facie establishing continuous payment of rent for nearly two decades. The electricity bills in the petitioner's name further corroborate his possession of the premises.

8. However, the most crucial development in this case is the respondent's submission that **R.L.T.O.P. No. 2 of 2023** has already been filed and is pending before the Rent Controller.

9. The Learned counsel for the respondent relied upon the Judgment of Hon'ble Madras High Court in **R. Nagaraj v. Siluvaimani**, C.R.P.No.4050 of 2001 wherein it was categorically held that when rent control proceedings are initiated by the landlord, a suit for permanent injunction restraining eviction becomes infructuous as the cause of action ceases to exist. The rationale behind is that:

- A. The Rent Controller is the appropriate forum for adjudicating disputes between landlord and tenant
- B. Parallel proceedings in civil court and rent control court lead to unnecessary litigation
- C. The tenant's protection against eviction lies within the rent control proceedings itself

10. In the case at hand, admittedly R.L.T.O.P. No. 2 of 2023 already pending, the petitioner's apprehension of eviction without due process of law stands addressed, as the respondent is already proceeding through the legally prescribed channel. The existence of pending rent control proceedings negates the very foundation of the petitioner's case for injunction.

11. While the petitioner has produced evidence of rent payment, any dispute regarding payment or default in rent is now a matter to be adjudicated by the Rent Controller in the pending proceedings.

Point No. 2 - Whether the balance of convenience is in favour of the petitioner?:

12. Given that rent control proceedings are already pending, the balance of convenience does not favor granting an injunction. The petitioner has an effective alternative remedy before the Rent Controller where he can raise all his defenses including proof of rent payment. Granting an injunction at this stage would result in parallel proceedings and potentially conflicting orders from two different forums.

Point No. 3 - Whether the petitioner would suffer irreparable loss and injury if the injunction is not granted?:

13. While disruption to business may cause hardship, the petitioner is not without remedy. The rent control proceedings provide adequate safeguards

against arbitrary eviction. The petitioner can seek appropriate interim relief from the Rent Controller if required. The existence of a statutory remedy under the rent control legislation precludes the claim of irreparable injury.

Point No. 4 - To what relief the petitioner is entitled?:

14. In view of the pending R.L.T.O.P. No. 2 of 2023, following the ratio laid down in **R. Nagaraj v. Siluvaimani**, C.R.P.No.4050 of 2001 this Court finds that the present application for temporary injunction has become infructuous. The cause of action for seeking injunction against eviction no longer subsists when the landlord has already initiated proceedings in the appropriate forum.

Result:

15. In the result, this petition is **dismissed**

16. No order as to costs.

Directly typed by me in my official laptop, corrected by me, and pronounced in open court on this day, the 30th of June, 2025.

District Munsif,
Vaniyambadi.

ANNEXURE:

No witnesses examined and No exhibits were marked on either side.

District Munsif,
Vaniyambadi.