

C.R.P.(MD) No.677 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

**C.R.P.(MD) No.677 of 2026
and
CMP(MD) No.3157 of 2026**

K.Arunselvan

... Petitioner

vs.

Bagavathy Ammal

... Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records and to set aside the judgement and decree passed in I.A.No.5 of 2025 in RCOP.No.5 of 2022 dated 25.09.2025 on the file of the Principal District Munsif, Valliyoor, Kanyakumari District.

For Petitioner : Mr.S.M.Hameed Anwar for
Mr.G.Anto Prince

For Respondent : Mr.G.Aravinthan for
M/S.Aran Legal Consultancy

ORDER

Heard Mr.S.M.Hameed Anwar representing Mr.G.Anto Prince for the civil revision petitioner and Mr.G.Aravinthan for the respondent.

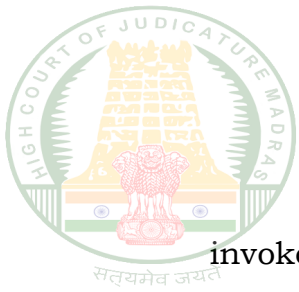


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WEB COPY 2.For the sake of convenience, the parties shall be referred to as the landlord and tenant.

3.There is no dispute in the relationship between the parties. The civil revision petitioner is the landlord and the respondent is the tenant. Alleging that the tenant has been selling tobacco, a banned product, and that the premises had been given only for fruit business and the tenant is using the same for a different purpose and that the building is over 100 years old and requires demolition, the landlord presented a petition for eviction, invoking Section 14(b), 10(2)(ii)(b) and 10(2)(iv) of Tamil Nadu Building (Lease and Rent Control) Act, 1960.

4.Summons were served on the tenant. Thereafter, the petition was dismissed for default. On restoration, the landlord realized that the Tamil Nadu Building (Lease and Rent Control) Act has already been repealed and the petition should be amended to the appropriate, corresponding provision under the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017 (*hereinafter referred to as the 'TNRRLT Act'*). Though three provisions had been



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invoked when the petition was originally filed, the landlord wanted to confine the petition only to Section 21(2)(d) of the TNRRRLT Act.

5.The learned Judge received this application as IA.No.5 of 2025. A counter was presented by the tenant stating that the landlord is attempting to blame the Court while filing an amendment petition. He urged that the landlord had committed a mistake by filing the petition under the repealed Act and hence, the petition ought to be dismissed.

6.The learned Trial Judge took up the application for disposal. He came to the conclusion that the petition had been filed under the repealed Act. He castigated the landlord for ignorance of the law and finding fault with him for blaming the Court for receiving the petition as an RCOP, he imposed a cost of Rs.3,000/-. Hence, this revision.

7.It is too well settled that quoting of a wrong provision of law or an act is not fatal to the petition. That is also the law of the land, which the landlord, tenant and the rent Court should have been aware of. The eviction petition is not drafted by the landlord, but he relies upon a lawyer for the said purpose. Perhaps, following the



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practice which had been in vogue from 1960 till 2019, the learned counsel, who drafted the petition, titled the same as one for eviction under Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. For an error committed by the lawyer, the landlord need not have been visited with the consequence of dismissal.

8. Admittedly, there is no written agreement between the landlord and the tenant. When the relationship between the parties is admitted, the landlord could have presented a fresh petition under the new legislation. Instead, he chose the route of amendment of the existing petition. It is permissible under law. In fact, under Section 34 of the TNRRRLT Act, the Rent Court is not bound by the provisions of the Code of Civil Procedure, but has to follow the principles of natural justice and is entitled to evolve its own procedure in line with the said principles.

9. The substantive provision for eviction, which the landlord had sought is for demolition, reconstruction and misuse of the premises, as the same had been used for the purpose of selling tobacco. Under the TNRRRLT Act, corresponding provisions are available. They are Section 21(2)(d) and 21(2)(f) of the TNRRRLT Act. When the provisions



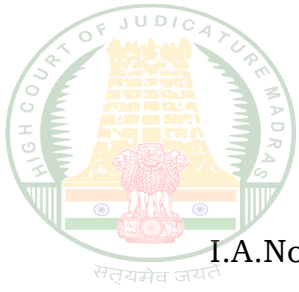
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are available under the new legislation, all that was necessary was to convert the existing RCOP filed under a repealed legislation into an RLTOP under the existing regime.

10.Though a reading of an affidavit filed in support of the amendment application would indicate that the landlord had attempted to blame the Court for numbering the RLTOP as RCOP, the learned Rent Court should have known that the shoulders of the Court are broad enough to shrug off such averments. The Court need not have taken it personally and imposed costs.

11.When corresponding provision is available and when there is a provision for conversion, by virtue of the fact that the Court can evolve its own procedure, I am not in a position to sustain the impugned order.

12.In the light of the above, the Civil Revision Petition stands allowed. The order passed by the learned Principal District Munsif, Valliyoor in I.A.No.5 of 2025 in RCOP.No.5 of 2022 dated 25.09.2025 is set aside. I.A.No.5 of 2025 in RCOP.No.5 of 2022 is allowed. Leave is granted to the landlord to amend the petition as sought for in



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I.A.No.5 of 2025 in RCOP.No.5 of 2022. The order imposing costs of Rs.3,000/- to the District Legal Services Authority is also set aside.

13.At this juncture, Mr.G.Aravinthan fears that he might not be granted an opportunity to file a counter, once the petition is amended. This fear is unfounded. I am sure that the learned Principal District Munsif at Valliyoor will give an opportunity to the tenant to file his counter, once the amendment is ordered.

14.No costs. Consequently, connected Miscellaneous Petition is closed.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

16.04.2026

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To

The Principal District Munsif,
Valliyoor, Kanyakumari District.



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V. LAKSHMINARAYANAN, J.

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