

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 12.08.2026

Order pronounced on : 31.08.2026

CORAM

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THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.956 of 2025

M/s.VEN PONN SHOES PVT LTD.,
Represented by its Managing Director
K.Prabhuram,
No.16, 1st Main Road, CLC Line,
Chrompet, Chennai – 600 044.

.. Petitioner

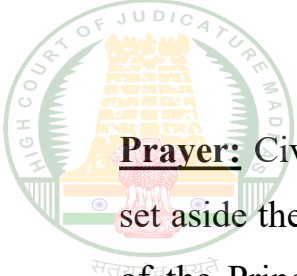
Vs.

1.M/s.BALAJI BHAVAN,
Represented by its Managing Partner
Mr.T.Ramasubbu (Died),
Having its registered office at
No.66, Pondy Bazaar, T.Nagar,
Chennai – 600 017,
Carrying its hotel business at
Door No.412/7, G.S.T.Road,
Chrompet, Chennai – 600 044.

2.S.Ramesh
3.R.Shyamala Parvathi
4.R.Arun Prakash

.. Respondents

*[Sole respondent died, RR2 to 4
brought on record as party respondent
vide order dated 28.07.2026 in
CMP.Nos.19885 & 19888 of 2026 in
CRP.No.956 of 2025]*



Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 06.09.2024 in RLTA.No.3 of 2020 on the file of the Principal District Judge, Chengalpattu and restore the fair and decreetal order dated 27.11.2023 in RLTOP.No.67 of 2023 on the file of the learned Munsif cum Judicial Magistrate, Pallavaram.

For Petitioner : Mr.J.Pothiraj

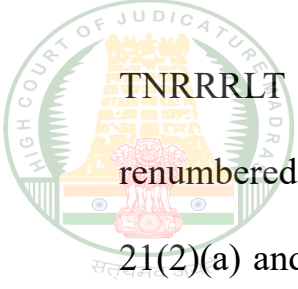
For Respondents : Mr.A.K.Sriram
Senior Counsel
for Mr.N.Nithianandam

ORDER

The petitioner is the landlord, aggrieved by the dismissal of the eviction petition in RLTOP.No.67 of 2023 by the Rent Tribunal, reversing the favourable order of eviction in his granted by the Rent Court.

2.I have heard Mr.J.Pothiraj, learned counsel for the revision petitioner and Mr.A.K.Sriram, learned Senior Counsel for Mr.N.Nithianandam, learned counsel for the respondents.

3.Mr.J.Pothiraj, learned counsel for the revision petitioner / landlord would state that after the introduction of the new enactment, namely TNRRRLT Act and there being a failure to enter into a tenancy agreement, as contemplated under Section 4(2) of the



TNRRRLT Act, the petitioner filed RLTOP.No.1 of 2019, which was subsequently renumbered as RLTOP.No.67 of 2023, seeking recovery of possession under Section 21(2)(a) and 21(2)(c) of the new enactment. He would further state that admittedly, the respondent was inducted into the tenanted premises as early as in November 2008 and as required under the provisions of the new Act, no agreement was clinched and reduced to writing.

4.The learned counsel for the revision petitioner would further state that the landlord was not interested in entering into any tenancy agreement afresh as well and therefore, after the expiry of the last lease agreement in the month of November 2018, the petitioner met the respondent/tenant and sought for vacant possession. However, he would contend that instead of vacating the premises, the respondents rushed to the Civil Court and filed O.S.No.4 of 2019 before the District Munsif Court, Alandur, seeking the relief of permanent injunction, alleging that the petitioner was attempting to disturb the possession of the respondents, otherwise than by due process of law.

5.The learned counsel for the revision petitioner would further state that this Court has time and again held that when the petitioner-landlord approaches the Court under Section 21(2)(a) of the Act, alleging failure to enter into tenancy agreement, it is not incumbent for the landlord to sit out the entire period of 575 days, which is contemplated for the parties to enter into a written tenancy agreement, in terms of the

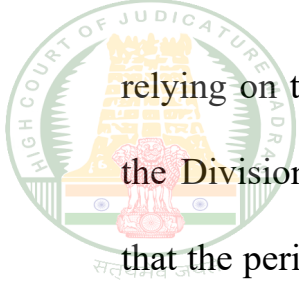


new enactment. In support of his contention, the learned counsel for the petitioner has relied on the following decisions:

1. *Gagan Bothra and other Vs. Balamanian in CRP.(NPD).No.2294 of 2025 dated 10.10.2025.*
2. *Pushpavalli Suresh Babhu and M/s.Sopos Technology Private Limited, in CRP.Nos.4284, 2580 & 3787 of 2023 dated 29.07.2025.*
3. *Babitha Devi Vs. Rajendra Kumar and another, in CRP.No.2252 of 2024 dated 08.01.2025.*
4. *R.Mangilal Ranka and others Vs. S.Shohan Singh, reported in 2026 (1) MWN (Civil) 241.*
5. *V.S.Mohan Vs. Sarath Naseera in CRP.(PD).No.782 of 2023 dated 30.07.2024.*

6. Relying on the above decisions, the learned counsel for the revision petitioner would therefore pray for the judgment of the Tribunal being set aside and the order of recovery of possession passed by the Rent Court being restored to file.

7. Per contra, Mr.A.K.Sriram, learned Senior Counsel for the respondents would contend that there have been divergent views taken by various Judges of this Court with regard to the effect of the period contemplated under the enactment, namely 575 days and in this regard, he has relied on the decision of this Court in *Ramesh Salunke Vs. Pramila Jain*, in *CRP.NPD.No.1996 of 2021 dated 25.01.2022*, *Lalith Kumar Vs. Pramila Jain*, reported in *2022 (2) MWN (Civil) 516* and *Top Kapi Vs. S.Sarath Babu*, in *CRP.No.445 of 2023 dated 06.04.2023* and the recent pronouncement of the Division Bench of the Madurai Bench of this Court in *Hemalatha Vs. Jeevanantham and others*, in *CRP(MD).Nos.2451 & 2439 of 2025 dated 01.06.2026*. The learned Senior Counsel

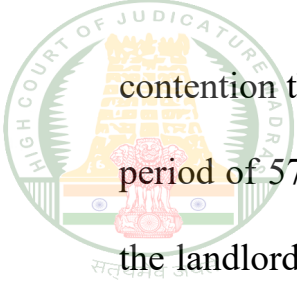


relying on the divergent views and also giving weightage to the observations made by the Division Bench in the recent pronouncement in *Hemalatha's case*, would contend that the period of 575 not having lapsed, the RLTOP was premature, even on the date of its institution. He would further contend that there is certainly an ambiguity, which has to be settled by an authoritative pronouncement of the Division Bench.

8.The learned Senior Counsel would take me through various and relevant paragraphs in the order of the Division Bench in order to fortify his contentions that the RLTOP could not have been filed and maintained, as instituted. He would therefore pray for the revision being dismissed, contending that the Rent Tribunal has rightly taken note of the relevant case law and allowed the RLTA, thereby dismissing the petition for recovery of possession.

9.I have carefully considered the submissions advanced by the learned counsel for the petitioner and the learned Senior Counsel for the respondents. I have also gone through the various judgments relied on by the learned counsel on either side.

10.The tenancy and the quantum of rent are not in dispute. In fact, the claim of the petitioner that there has been a failure to enter into a tenancy agreement, as contemplated under Section 4(2) of the Act, which gives rise to a cause of action to invoke Section 21(2)(a) of the TNRRRLT Act is also not actually disputed. The only

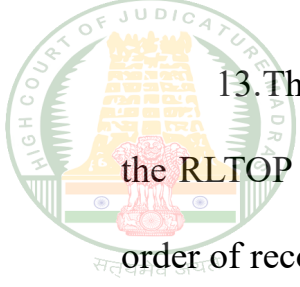


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contention that has been taken by the respondents is that since the statute contemplates a period of 575 days for the parties to enter into a tenancy agreement in terms of the Act, the landlord is not entitled to invoke Section 21(2)(a), before the expiry of the said 575 days. In short, it is the contention of the learned Senior Counsel, Mr.A.K.Sriram, that the RLTOP was premature and not maintainable. It is also the contention of the learned Senior Counsel that since there are divergent views taken by various Judges and in the light of the recent pronouncement by the Division Bench in *Hemalatha's case* and reference to the very same provisions and observations made with regard to the same, the issue will have to be referred to a Bench of Two Judges for an authoritative pronouncement.

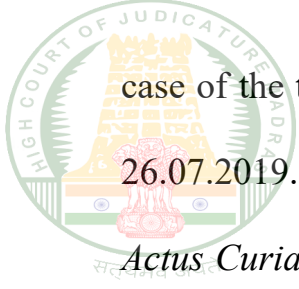
11.Firstly, I will deal with whether the filing of the eviction petition before the expiry of 575 days is maintainable or not.

12.Originally, when the Act was brought into force, a period of 90 days alone was contemplated for the parties to enter into a tenancy agreement, in terms of Section 4(2) of the Act. However, subsequently, the said period of 90 days was changed to 275 days and thereafter, again substituted with 575 days. Admittedly, in the facts of the present case, the RLTOP has been filed before the expiry of 575 days. There is no dispute with regard to the same.



13. The only point that begs an answer is as to whether such premature invocation of the RLTOP would render the RLTOP not maintainable and disentitle the landlord to an order of recovery of possession. In fact, after referring to all the decisions that have been relied on by Mr.A.K.Sriram, learned Senior Counsel, namely *Ramesh Salunke's case*, *Lalith Kumar's case* and *Top Kapi's case*, I held in *Mangilal Ranka's case* that though the judgment of this Court in *Lalith Kumar's case* have been unsuccessfully challenged before the Hon'ble Supreme Court, subsequently, this Court has distinguished the ratio laid down in *Lalith Kumar's case*, which view was also taken in *Ramesh Salunke's case* and *Top Kapi's case* and interpreting Section 4(2), this Court has, starting from *Habeeb Hardware' represented by its Partner, S.A.Farook Vs M.D.Gajarajakumar*, reported in 2025 (1) CTC 241 and various other decisions thereafter, held that premature invocation of a Section 21(2)(a) application for recovery of possession cannot be a valid defense set up by the tenant.

14. Insofar as the recent decision of the Hon'ble Division Bench in *Hemalatha's case*, the Division Bench held that once the period of 575 days has expired, unless the claim of the landlord is supported by a registered agreement, as mandated under the Act, it would not be open to the landlord to invoke the provisions of the new enactment and the Division Bench concluded that on expiry of the transitional period of 575 days granted vide amendment dated 15.02.2020, to Section 4(2) of the TNRRRLT Act, 2017, the requirement of a written and registered tenancy agreement is mandatory even in the



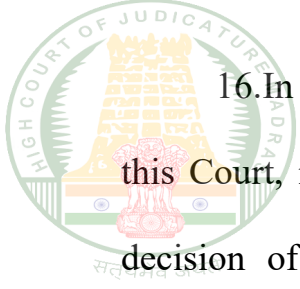
case of the tenancy created before the commencement of the TNRRRLT Act, 2017, i.e.,

26.07.2019. The Division Bench, at paragraph No.68.2 has recognised the principle of

Actus Curiae Neminem Gravabit and held that the question of non registration shall not

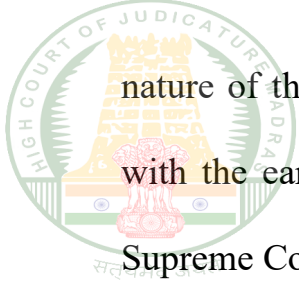
be reopened in respect of cases pending before the Rent Authority, the Appellate Authority or even in revision. In other words, the Division Bench has clearly applied its decision prospectively.

15. Therefore, considering the fact that the present revision petition was already pending on the date of the decision of the Division Bench, I am not obligated to rely on the said decision of the Division Bench and implement the ratio laid down therein, to the facts of the present case. Further, I do not see any serious conflicting views as well, when this Court, in *Habeeb Hardware's case*, has referred to the divergent views in *Lalith Kumar's case*, *Ramesh Saluke's case* and *Top Kapis case* and came to a conclusion that mere fact that a tenant was ready to enter into a fresh agreement and it was only the landlord, who was avoiding the same, would be no avail and prevent the landlord from seeking eviction under section 21(2)(a) of the TNRRRLT Act. I took a similar view in *Mangilal Ranka's case* as well. A failure to enter into a tenancy agreement is a failure, irrespective of the fact that the tenant was ready to enter into an agreement and it was only the landlord who was evading to enter into a fresh tenancy agreement.



16. In fact, after the recent decision of the Division Bench in *Hemalatha's case*, this Court, in CRP(MD).No.1357 of 2026 by order dated 12.06.2026, referring to the decision of the Hon'ble Supreme Court in *V.Ganesh Vs. S.Balaji* in *SLP (Civil) Nos.17295 to 17296 of 2025* dated 04.07.2025, confirming the order of this Court in CRP.No.1891 of 2025, held that the said decision of the Hon'ble Supreme Court, approving the view expressed by this Court that since the last rental agreement had expired, prior to the commencement of the Act, there is no merit with regard to the objection as to maintainability of the landlord's petition under Section 21(2)(a).

17. This Court also took note of the order of the Division Bench in *S.R.Venkatesh Vs. Union of India*, in *W.P.No.26344 of 2022* dated 30.09.2022, where the constitutional validity of the proviso appended to Section 4(2) and Section 21(2)(a) of TNRRRLT Act, 2017, was put to challenge. The Division Bench rejected the constitutional challenge and finding that the said Division Bench judgment was also not brought to the notice of the Division Bench in *Hemalatha's case* and applying the ratio laid down in *Sundeep Kumar Bafna Vs. State of Maharashtra and another*, reported in *AIR 2014 SC 1745*, this Court held that the view in *Hemalatha's case* being in direct conflict with the earlier judgment of the Division Bench and also the order of the Hon'ble Supreme Court in *V.Ganesh's case*, proceeded to hold that the petition under Section 21(2)(a) is maintainable. In any event, since the Division Bench order in *Hemalatha's case* has clearly held that the said decision can only operate prospectively, I need not even go into the issue of the binding



nature of the ratio laid down in *Hemalatha's case*, on the grounds of being in conflict with the earlier judgment of the Division Bench, as well as the order of the Hon'ble Supreme Court, in a similar matter.

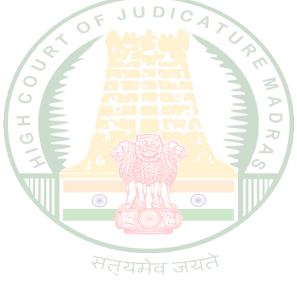
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18. Having held that the tenant cannot take advantage of the fact that the landlord has approached the Rent Court, prior to the expiry of 575 days, when admittedly there is no inclination on the part of the respondent to enter into a fresh tenancy agreement, as held by this Court in *Habeeb Hardware's case*, as well as *Mangilal Ranka's case*, the petitioner's defense to the eviction petition, on the ground of the petition being premature, cannot be countenanced. For all the above reasons, I am inclined to set aside the judgment of the Rent Tribunal.

19. In fine, the Civil Revision Petition is allowed and the order dated 06.09.2024 in RLTA.No.3 of 2020 on the file of the Principal District Judge, Chengalpet, is set aside and the order of recovery of possession passed by the Rent Court dated 27.11.2023 in RLTOP.67 of 2023, on the file of the Munsif cum Judicial Magistrate, Pallavaram, is restored. The respondents shall vacate and hand over vacant possession to the petitioner on or before 30.11.2026. No costs. Connected Civil Miscellaneous Petition is closed.

31.08.2026

Neutral Citation Case : Yes
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Index : Yes
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P.B.BALAJI.J,

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To

- 1.The Principal District Judge, Chengalpattu.
- 2.The Munsif cum Judicial Magistrate, Pallavaram.

Pre-delivery order made in
CRP.No.956 of 2025

31.08.2026