



WEB COPY

CRP Nos.3538 & 3539 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

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

**CRP No.3538 & 3539 of 2026
and CMP.Nos. 15437 & 15444 of 2026**

1.M.D.Kasturi
2.G.N.Varalakshmi
3.M.D.Rajkumar
4.M.D.Balaji

... Petitioners
in both petitions

Vs

1. The Accommodation Controller
The Collector of Chennai
The Collectorate,
Rajaji Salai,
Chennai 600 001.

2. Manjula Prabhakaran

... Respondents
in CRP.No.3538 of 2026

1. Manjula Prabhakaran

2.The Accommodation Controller
The Collector of Chennai
The Collectorate,
Rajaji Salai,
Chennai 600 001.

... Respondents
in CRP.No.3539 of 2026

Prayer in CRP.No.3538 of 2026: Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 to set aside the order and decretal order passed in R.C.A.No.284 of 2017 dated 22.03.2026 on



the file of IX Court of Small Causes, Chennai and confirm the fair rent fixed in RCOP.No.773 of 2012 dated 07.08.2015 on the file of XI Court of Small Causes, Chennai.

For Petitioner(s): Mr.C.Jagadish
For Respondent(s): Mr.P.Sunil
Government Advocate for R1
Mr.K.P.Ashok for R2

Prayer in CRP.No.3539 of 2026:- Civil Revision Petition filed under Section 25 of Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 to set aside the order and decretal order passed in R.C.A.No.406 of 2019 dated 23.03.2026 on the file of IX Court of Small Causes, Chennai and confirm the fair rent fixed in RCOP.No.773 of 2012 dated 07.08.2015 on the file of the XI Court of Small Causes, Chennai.

For Petitioner(s): Mr.C.Jagadish
For Respondent(s): Mr.K.P.Ashok for R1
Mr.P.Sunil
Government Advocate for R2

COMMON ORDER

Heard Mr.Jagadish, learned counsel for the revision petitioner/landlord, Mr.K.P.Ashok, learned counsel for the first respondent in CRP.No.3539 of 2026 and 2nd respondent in CRP.No.3538 of 2026 and Mr.P.Sunil, learned Government Advocate for R2 in CRP.No.3539 of 2026 and for R1 in



CRP.No.3538 of 2026.

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2. It is an admitted position that Section 4 application for fixation of fair Rent was filed by the petitioners against the private respondent. The Accommodation Controller was in charge of the property, and they in turn have given the petition premises on lease to the private respondent, who is represented by Mr.K.P. Ashok. The Rent Controller fixed a fair rent, rejected the legal objection raised by the tenant that the fair rent has only been fixed for the tenant premises, and therefore there is a bar under section 5 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 to file a petition once again, seeking fixation of fair rent.

3. As against the contractual rent, the Rent Controller fixed the fair rent at Rs.30,911/- per month. Aggrieved by fixation of the fair rent, the private respondent/tenant and the Accommodation Controller, both preferred Rent Control Appeals. In the said Rent Control Appeals, the Appellate Authority has chosen to remand the matter to the Rent Controller.

4. Mr.C.Jagadish, learned counsel for the revision petitioner/landlord would firstly contend that the Rent Control Appellate Authority does not have



power to remand the matter under Section 23 of the Tamil Nadu Buildings (Lease and Rent) Control Act, 1960 and that the Rent Control Appellate

Authority can only call for a finding keeping the appeal pending on its file.

According to the learned counsel, the order of remand is therefore unjustified and beyond the powers of the Appellate Authority. The learned counsel therefore prays that the revision petition may be allowed. He would also point out that the only reason for which the matter was remanded by the Appellate Authority was that the Engineer examined on the side of the landlord and tenant, gave contradictory report and therefore the Court was not in a position to assess the same and for the purposes of appointing Commissioner/Engineer, the Appellate Authority thought it fit to remand the matter to the Rent Controller. In this regard, the submission of Mr.C.Jagadish, learned counsel for the petitioner/landlord is that the respondent/Engineer himself has categorically admitted in the witness box that he did not properly measure the property. He therefore stated that in the teeth of such admission of the expert Engineer, the Appellate Authority ought not to have held that there were divergent views expressed by two Engineers examined on both sides. He would therefore pray that the revision petition be allowed and the fair rent fixed by the Rent Controller be confirmed.

5. Per contra, Mr.K.P.Ashok, learned counsel for the private respondent



would firstly contend that there was no opportunity for the respondents to contest the maintainability of the fair rent petition, since the Rent Control Appellate Authority has only remitted the matter to the Rent Control Authority. Though it is pointed out by Mr.C.Jagadish, learned counsel that the Appellate Authority has also given a categorical finding in para.No.26 of the judgment that Section 4 petition is not affected by Section 5 of the Act, in view of the fact that the matter was remitted to the Rent Controller, the respondent did not have an option to challenge the said findings of the Appellate Authority. Now that the very same judgment is being challenged by landlord themselves, and I am also inclined to accept the argument that the Appellate Authority did not have the power to remand the matter to the Rent Controller, the interest of the respondent also, it will have to be suitably protected, since, in their grounds of appeal before the Rent Control Appellate Authority, a challenge is made to the maintainability of the Section 4 application citing Section 5 of the Act.

6. In the light of the above, these Civil Revision Petitions are allowed, setting aside the judgment and decree in RCA.Nos.284 of 2017 and 406 of 2019 and the matter is remanded to the Rent Control Appellate Authority, namely the IX Court of Small Causes, Chennai, to re-hear the appeals on merits and in accordance with law and decide all the issues that have been raised in the Rent Control Appeals independently, without being prejudiced by any observations



that may have been made hereunder. The appeals shall be decided within a period of eight weeks from the date of receipt of a copy of the order. It is made clear that since already parties were given an opportunity to lead evidence which has also been availed of, only the arguments of the learned counsel shall be heard by the Appellate Authority. Parties will not be entitled to lead fresh further evidence.

7. With the above observations and directions, these civil revision petitions are allowed. No costs. Consequently connected miscellaneous petitions are also closed.

14-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
DPQ

To
The XI Court of Small Causes,
Chennai.



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P.B.BALAJI, J.

DPQ

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