

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.5057 OF 2010

ORDER:

This civil revision petition is filed under Section 22 of the A.P. Buildings (Lease, Rent and Eviction) Control Act, 1960 (henceforth referred to as 'Act') challenging the fixation of fair rent by Additional Rent Controller-cum-XVIII Junior Civil Judge at Secunderabad in R.C.No.144 of 2004, confirmed by the Chief Judge, City Small Causes Court, Hyderabad in R.A.No.223 of 2006.

2. The respondent herein filed petition R.C.No.144 of 2004 under Section 4 of the Act seeking fixation of fair rent for the petition schedule premises at Rs.52,500/- per month, on the ground that the respondent/tenant is carrying on workshop in the premises which is situated at M.G Road, Secunderabad. The respondent denied fixation of fair rent @ Rs.52,500/- while admitting location and contended that the age of the building is 80 years and that it would not fetch more than Rs.500/- per month. It is contended that the Rent Controller cannot fix fair rent more than Rs.500/-.

3. During enquiry, the petitioner got himself examined as P.W-1 and got marked Exs.P-1 to P-10, whereas, on behalf of the respondent R.W-1 was examined and exhibits Exs.R-1 & R-2 were marked.

4. Upon hearing argument of both the counsel, the Rent Controller, fixed fair or standard rent at Rs.15,000/- per month for the premises.

5. Aggrieved by the order passed by the Rent Controller, R.A.No.223 of 2006 was filed and the same was dismissed by the Chief Judge, City Small Causes Court, Hyderabad, confirming the fair or standard rent fixed by the Trial Court. Aggrieved by the same, the present civil revision petition is filed.

6. The main contention of the learned counsel for the revision petitioner is that the total extent in occupation is only 496 sft and denied the location of the premises and type of construction. It is an admitted fact that the premises is situated in downtown i.e. popular commercial area and the petitioner is carrying on business of manufacturing electrical goods, boxes and equipment since long time. It is further contended that the petitioner is continuing in possession of the premises since 1978 on payment of agreed rent of Rs.500/-. But, if the location of the building and type of construction, the purpose for which the building is put to use and the rent within the vicinity of the schedule premises are taken into consideration, the fair rent fixed by the Rent Controller is justified and in the absence of any specific ground, questioning the fair rent fixed by the Rent Controller, the order under challenge cannot be interfered.

7. However, in **Suresh Gir v. K. Sahadev**¹, a Division Bench of this Court struck down Sub-sections 2 to 4 of Section 4 of the Act and held that the Rent Controller is not required to follow the procedure prescribed under Sub-sections 2 to 4 of Section 4 of the Act for fixation of fair rent for the building. But, the only consideration is the prevailing market rent and type of construction, purpose to which the building is put to, etcetera, which I referred in the earlier paragraphs. Therefore, the Rent Controller did commit no error in fixing the fair rent at Rs.15,000/- per month.

8. Hence, the civil revision petition is dismissed.

9. Consequently, miscellaneous applications pending if any shall also stand dismissed. No costs.

JUSTICE M. SATYANARAYANA MURTHY

Date:30.09.2016
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¹ AIR 1994 AP 283