

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.04.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

**C.R.P(NPD)No.3066 of 2011
and M.P.No.1 of 2011**

P.Mohamed Fahirudeen

...Petitioner

Versus

M.K.Thangavelu

...Respondent

This Civil Revision Petition is filed under 25(1) of Tamil Nadu Buildings (Lease and Rent Control) Act 89 of 1960 as amended by Act 23 of 1973 against the order passed in R.C.A.No.372 of 2009 dated 22.01.2011 by the learned VIII-Small Causes Court (Appellant Authority) at Chennai confirming the order of fixing the fair rent passed by the XII Small Causes Court (Rent Controller) at Chennai on 21.07.2009 in R.C.O.P.No.2003 of 2008.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.T.P.Kathiravan

ORDER

The respondent herein is the landlord of a building bearing New No.4, Old No.28, Plot No.286, Malligaipoo Nagar, 16th Street, Ashok Nagar, Chennai – 600 083, has moved the Rent Controller in R.C.O.P.No.2003 of 2008 for fixation of fair rent under Section 4 of

amended by Act 23 of 1973. The total plinth area is 313 sq.ft with a common passage etc., The Rent Controller has determined the value of the building working it at the P.W.D rate of Rs.586/- per sq.ft, the market value of the land at Rs.54,75,153/- and determined the monthly rent payable at Rs.3,753/-The tenant/revision petitioner challenged this in R.C.A.No.372 of 2009 before the Rent Control Appellate Authority which dismissed the appeal and confirmed the Order of the Rent controller. This is now under challenge.

2. Heard Mr.C.Prabakaran, the learned counsel appearing for the petitioner and Mr.T.P.Kathiravan, the learned counsel appearing for the respondent.

3. The learned counsel for the petitioner in essence submitted that the respondent/Landlord herein had filed R.C.O.P.No.2004 of 2008 against a certain Baskaran, another tenant of his. There the Rent Controller had fixed the rent at Rs.2,989/- p.m. where the construction cost was determined at Rs.393/- per sq.ft whereas, in the present case cost of construction was determined at Rs.1,599/- per sq.ft. He also submitted that even the market value of the Land was not correctly valued. He has filed a copy of the order in R.C.O.P.No.2004 of 2008.

4. On a comparative reading, this Court finds that the real difference

is in determining the cost of construction. Whereas in the present case, it is determined as Rs.5,986/-, per Sq.ft., and in the other case it is determined as Rs.393/- per Sq.ft. The cost of construction varies with the nature of the building.

5. At this juncture, the learned counsel for the respondent would submit that challenging the Order passed in R.C.O.P.No.2004 of 2008, the order in which the petitioner now relies on, has ultimately reached this Court when the respondent/landlord herein challenged it in CRP.No.3115 of 2012, and Vide order dated 18.04.2017 the same was allowed.

6. On perusing the papers in the present case, this Court is satisfied that the value of the land fixed by the Tribunal is one determined by the Slum Clearance Board, the initial rent and the degree of credibility and cost of construction is also based on the P.W.D rates. No other errors or mistakes are brought to the notice of the Court is arriving at the fair rent based on these two factors.

7. In the result, this Court does not find any merit in this Civil Revision Petition and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

mrr

Index : Yes / No



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N. SESHASAYEE, J.,

mrr

To

1. The Appellate Authority,
Small Causes Court No.VIII, Chennai.
2. The Rent Controller,
Small Causes Court No.XII,
Chennai.



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