

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.637 of 2015
& M.P.No.1 of 2015

K.Rajendran

.. Petitioner

Vs.

T.V.Muralikrishnan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 15.12.2014 made in R.C.A.No.211 of 2014 on the file of the IX Court, Rent Control Appellate Authority, Court of Small Causes, Chennai, confirming the fair and decretal order dated 01.04.2014 made in R.C.O.P.No.1237 of 2012 on the file of the X Small Causes Court, Chennai.

For Petitioner : Mr.D.Panchatsaram

For Respondent : Mr.R.Arumugam

ORDER

This Civil Revision Petition is filed against the judgment and decree dated 15.12.2014 made in R.C.A.No.211 of 2014 on the file of the IX Court, Rent Control Appellate Authority, Court of Small

Causes, Chennai, confirming the fair and decretal order dated 01.04.2014 made in R.C.O.P.No.1237 of 2012 on the file of the X Small Causes Court, Chennai.

2.The respondent/landlord filed R.C.O.P.No.1237 of 2012 on the file of the X Small Causes Court, Chennai against the petitioner/tenant under Section 4 of the Tamilnadu Buildings (Lease and Rent Control) Act 18 of 1960 as amended by Act 23 of 1973 and Act 1/1980 for fixation of fair rent at Rs.21,222/- per month for the petition premises. According to the respondent, the petition premises is a residential property situated in the busy locality nearby Schools, Police Station, Nungambakkam Railway Station, vegetable shops, fruit shops, provision and general stores. The value of the land is Rs.2 Crores per ground. According to the respondent, the building aged about 20 years is a Type A-1 building measuring 435 Sq ft. All the basic amenities are available in the petition premises. Therefore, prayed for fixation of fair rent of Rs.21,222/- per month.

3.The petitioner filed counter statement and submitted that the extent of the property is only 336 Sq ft. and not 435 Sq ft. as claimed by the respondent. The value of the land is only

Rs.60,00,000/- per ground and the respondent increased the rent from Rs.4,000/- to Rs.10,000/- per month and has also enhanced the advance amount of Rs.15,000/- to Rs.50,000/-. The petitioner did not accept the said demand of the respondent. The respondent in the circumstances has filed the said R.C.O.P.

4.Before the learned Rent Controller, the Engineer of the respondent was examined as P.W.1 and marked 4 documents as Ex.P1 to P4. The petitioner examined his Engineer as R.W.1 and marked 4 documents as Exs.R1 to R4.

5.The learned Rent Controller considering the pleadings, oral and documentary evidence, fixed the fair rent at Rs.8,748/- per month from the date of petition i.e., 25.06.2012.

6.Against the said order dated 01.04.2014 made in R.C.O.P.No.1237 of 2012, the petitioner filed R.C.A.No. 211 of 2014. The learned Appellate Authority independently considering all the materials on record and order of the learned Rent Controller, dismissed the appeal, confirming the order of the learned Rent Controller.

7. Against the said judgment and decree dated 15.12.2014 made in R.C.A.No.211 of 2014, confirming the fair and decretal order dated 01.04.2014 made in R.C.O.P.No.1237 of 2012, the present Civil Revision Petition is filed by the petitioner.

8. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

9. The learned counsel for the petitioner contended that the Courts below erred in fixing the value of the land at Rs.90,00,000/- per ground. The Courts below ought to have accepted the value of the land at Rs.60,00,000/- per ground as per Ex.R3, the sale deed dated 06.02.2012 filed by the petitioner. The Courts below, without accepting the documents and evidence of the Engineer of the petitioner, fixed the value at Rs.90,00,000/- per ground. These contentions are not acceptable.

10. On consideration of the materials on record, the order of the learned Rent Controller and judgment of the learned Appellate Authority, it is seen that the respondent has produced Ex.P3, sale deed dated 29.06.2012 which relates to the sale of the same

apartment. As per the said sale deed, the value of the land per ground is Rs.1,36,17,021/-. The petitioner has produced Ex.R3, sale deed in respect of sale of building in Anand apartment. Based on the said sale deed, R.W.1, the Engineer of the petitioner has fixed the land value at Rs.60,00,000/- per ground. The learned Rent Controller, considering these Exhibits and evidence of the Engineer, fixed the land value at Rs.90,00,000/- per ground. The learned Rent Controller arrived at this value taking into consideration the locational advantages of the petition premises. There is no error in the reasoning of the learned Rent Controller which was confirmed by the learned Appellate Authority, after appreciating Exs.P3 and R3.

11.As far as the extent of the land is concerned, according to the respondent, the petition premises is measuring 435 Sq ft. whereas, according to the petitioner, it is only 336 Sq ft. The respondent has produced the sale deed relating to the petition premises wherein, the extent of the plinth area is measured as 435 Sq ft. The petitioner has not produced any contra evidence. The Courts below accepting the sale deed, Ex.R3, relating to the petition premises, rightly arrived at the extent of the building is 435 Sq ft.

12.As far as the amenities and value of the building and other contentions are concerned, there is no error in the finding of the Courts below. The learned Appellate Authority is the final authority with regard to the finding of the fact. This Court in revision can interfere in such finding when the same is perverse, arbitrary and contrary to the evidence and materials available on record. In the present case, both the Courts below have appreciated all the facts in proper perspective and calculated the fair rent following the procedure.

13.For the above reason, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

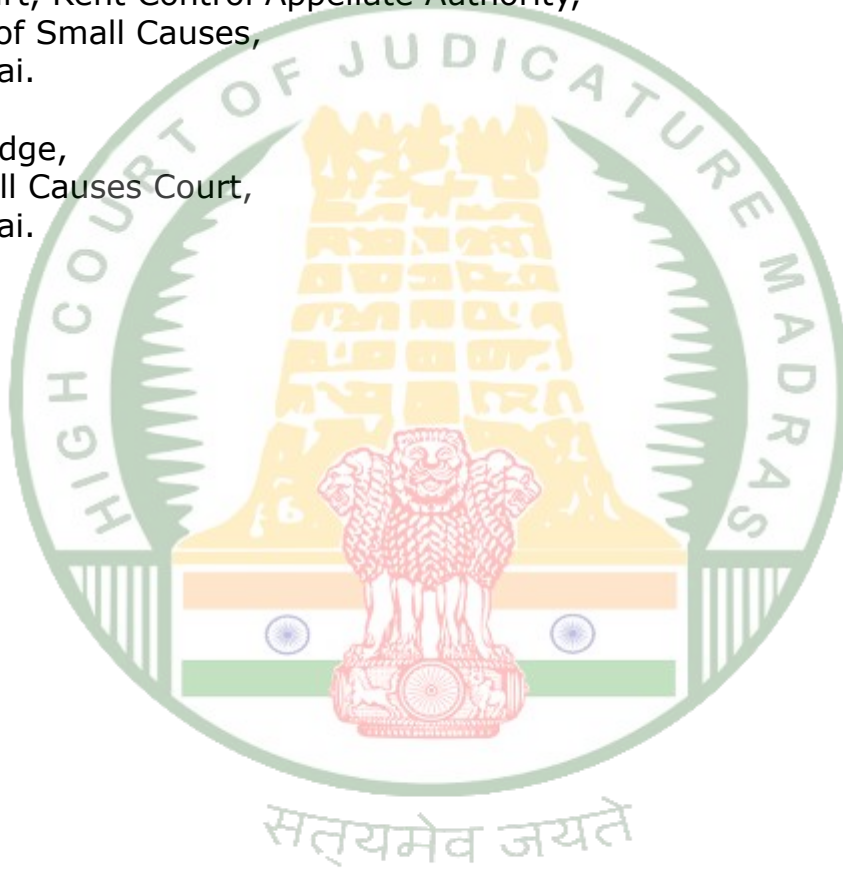
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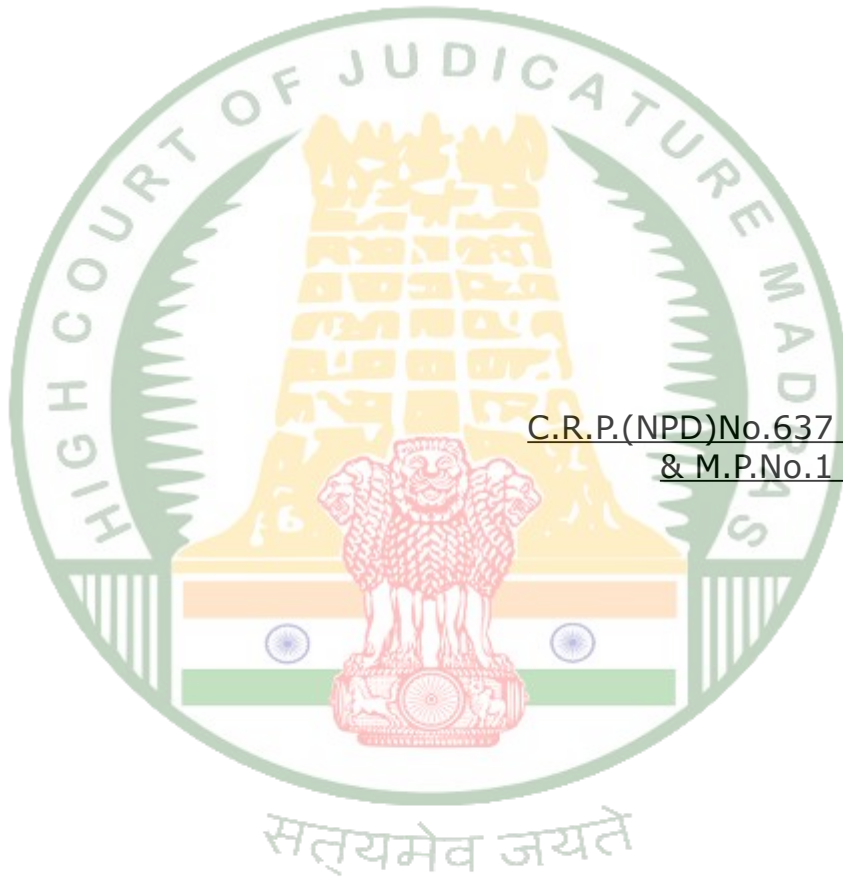
- 1.The Judge,
IX Court, Rent Control Appellate Authority,
Court of Small Causes,
Chennai.
- 2.The Judge,
X Small Causes Court,
Chennai.



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V.M.VELUMANI, J.

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