

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

O.S.A.No.91 of 2020 and C.M.P.No.3676 of 2020

P.Selva Mahesh Raja ... Appellant/ Appellant
Vs.

The Official Trustee of Tamilnadu
High Court Campus,
Chennai-600 104. Respondent/ Respondent

Prayer: Original Side Appeal filed under Order XXXVI Rule 9 of Original Side Rules and clause 15 f letters patent to set aside the fair and decreetal order dated 08.11.2019 passed in A.No.7812 of 2018 in C.S.No.314 of 1930.

For Appellant : Mr.A.Ganesh
For Respondent : Mr.S.Pushpakaran (Caveator)

J U D G M E N T

(Judgment of the Court was delivered by DR.VINEET KOTHARI,J.)

This O.S.A., has been filed by the lessee aggrieved by the order dated 08.11.2019 in A.No.7812 of 2018 in C.S.No.314 of 1930. The reasons assigned by the learned trial Court for enhancement of monthly lease rent is stated in paragraphs 6 and 7 of the impugned order, which are quoted below for ready reference.

" 6. I heard the counsel for the applicant as well as the respondent/Official Trustee and perused the records. Admittedly, the property is situated in a commercial locality and there are 57 rooms in the building which is in occupation of the applicant. Therefore, as per the prevailing guideline value, the rent has to be fixed on a reasonable basis. Further, the applicant is paying the rent at the rate of Rs.15,525/- from 01.11.2016 and it has to be enhanced. According to the

respondent/Official Trustee, as per the assessment made by the Assistant Engineer attached to the office of the Official Trustee, the property is classified as Residential Area Class-II and the prevailing guideline value of the property is Rs.3,350/- per square feet. Therefore, as per the prevailing guideline value, the rent for the premises in question can be fixed at Rs.71,241/- per month.

7. Taking note of the submission of both sides, the locality where the property is utilised for commercial purpose and the manifold increase in the rental value. I am of the considered view that a sum of Rs.55,000/- can be fixed as lease rent for the property in question. Accordingly, the applicant is directed to pay a sum of Rs.55,000/- as lease rent per month from 01.11.2018 as against Rs.71,241/- assessed by the respondent/Official Trustee. The arrears of lease rent at the rate of Rs.55,000/- per month shall be paid by the applicant from 01.11.2018 within a period of four weeks from the date of receipt of a copy of this order and on such payment, the respondent / Official Assignee and renew the lease in favour of the applicant for a further period of five years with enhancement of lease rent at the rate of 10% every year. In the event of failure to pay the arrears of lease rent, it is made clear that the lease in favour of the applicant need not be renewed by the respondent / Official Trustee."

2. Learned counsel for the Assessee Mr.A.Ganesh, urged before us that the property in question was reconstructed by the lessee's own investment and therefore the enhancement of monthly lease rental in question at Rs.55,000/- is very high and the same deserves to be reduced substantially.

3. Learned counsel for the lessor / respondent opposed the said submission and urged that it is a huge property of about 57 rooms in a busy area of the city and it is being commercially exploited and therefore, the lease rental fixed by the learned trial Court is absolutely justified.

4. After having heard the learned counsel for both parties, we are satisfied with the reasons assigned by the learned Judge in the order impugned before us which are cogent and proper and we find that, for a huge property of about 57 rooms in a busy area, as against the guideline value of Rs.3,350/- per square feet working out to a monthly rent of

Rs.71,241/-, the learned Single Judge has only fixed a monthly rent of Rs.55,000/- with effect from 01.11.2018.

5. We do not find any ground to interfere with the said order and the present appeal is devoid of any merits and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

KST

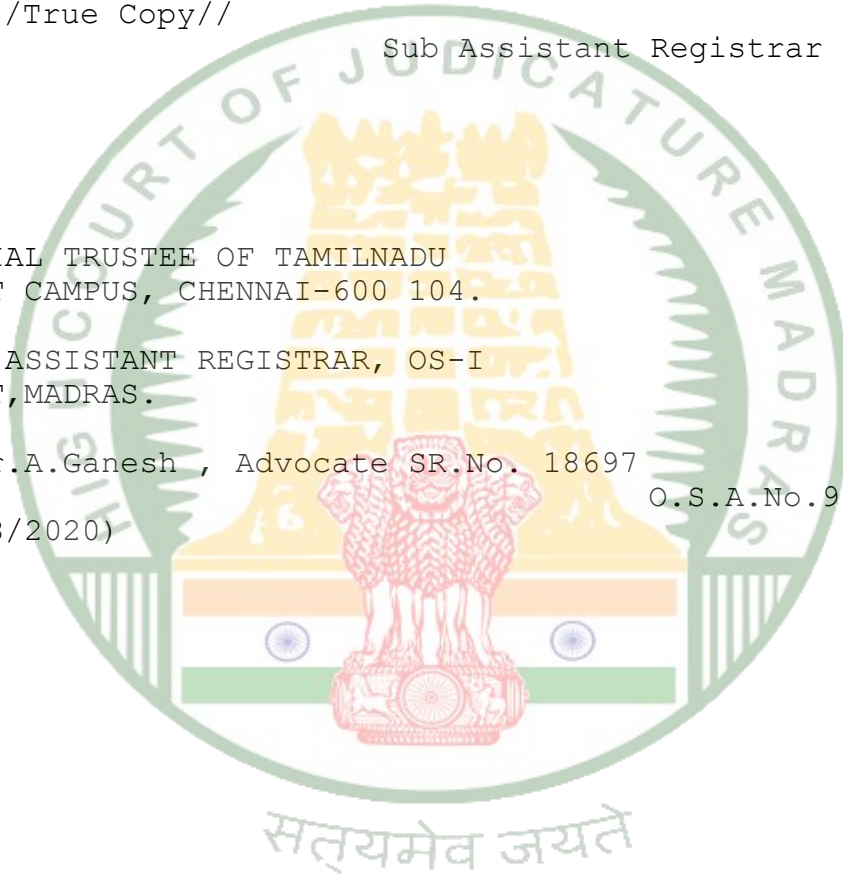
To
THE OFFICIAL TRUSTEE OF TAMILNADU
HIGH COURT CAMPUS, CHENNAI-600 104.

2.THE SUB ASSISTANT REGISTRAR, OS-I
HIGH COURT,MADRAS.

+1cc to Mr.A.Ganesh , Advocate SR.No. 18697

O.S.A.No.91 of 2020

A.SK(04/08/2020)



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