

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 03.12.2019]

[ORDERS PRONOUNCED ON : 19.02.2020]

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP (NPD).No.4794 of 2014

M/s. J.J. Lal Pvt. Ltd.,
Rep. by its Director,
Mr.Sampath Rai Chouraria

... Petitioner

.. Vs ..

S.Kanchanamala

... Respondent

PRAYER: Petition filed under Section 25 of the Tamil Nadu Buildings (Lease & Rent Control) Act, 18 of 1960, praying to set aside the order of the learned VIII Judge, Court of Small Causes, Madras (Appellate Authority), dated 13.08.2014 passed in R.C.A.No.361 of 2010 (preferred against the order and judgment dated 24.03.2010 of the XIV Judge, Court of Small Causes, Madras (Rent Controller) passed in R.C.O.P.No.274 of 2009.

For Petitioner : Mr.K.Bijai Sundar

For Respondent : G.Sumitra

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JUDGMENT

The tenant has filed the present civil revision petition against the fixation of fair rent by both the authorities below. The respondent herein is the landlady and she has filed a petition in R.C.O.P.No.274 of 2009 under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, for fixation of fair rent to the petition premises viz., the premises in Old No.53, New No.106, Rasappa Chetty Street, Park Town, Chennai.

2. The contractual rent being Rs.6,625/- per month and the landlady sought for revision and fixation of fair rent at the rate of Rs.58,830/- p.m. Before the trial Court, on behalf of the landlady, one Mr.A.Ajeez Mohideen, an Engineer was examined as P.W.1 and documents Exs.P.1 to P.3 were marked. In Ex.P.3-Analysis Report, the fair rent was fixed at Rs.36,169/-. On behalf of the tenant, their engineer was examined as R.W.1 and on his side, Engineer's Report-Ex.R.1, Sketch-Ex.R.2, Certified copy of Sale Deed dated

10.09.2009/Ex.R.3 and Analysis Report-Ex.R.4 were marked. As per the Analysis Report-Ex.R.4, according to the respondent, the fair rent was fixed at Rs.13,750/-.

3. On consideration of both the Engineers' Report as well as Analysis Reports, the learned Rent Controller has fixed the land value at Rs.70 lakhs per ground and calculated the fair rent accordingly. Aggrieved against the order of the learned Rent Controller, both the persons viz., tenant has preferred R.C.A.No.361 of 2010 and landlady has preferred R.C.A.No.126 of 2011. By a common judgment dated 13.08.2014, both the appeals were dismissed concurring that the fair rent fixed by the learned Rent Controller is just and proper and hence, the tenant has preferred the present civil revision petition before this Court.

4. Learned counsel for the revision petitioner/tenant drawn my attention to Ex.P.2-Certified copy of the Sale Deed dated 15.07.2002 registered as Document No.744 of 2002 filed on behalf of the landlady and also drawn my attention to Ex.R.3-Certified copy of

the Sale Deed dated 10.09.2009 registered as Document No.956 of 2009 and contended that the sample Sale Deed-Ex.P.2 relating to a property situated in Door No.182, Devaraja Mudali Street which is far away, while the sample Sale Deed filed by the tenant under Ex.R.3 lies in the very same street viz., Rasappa Street under D.Nos.113 and 114 and while the petition premises Old Door Number is 53 and New Number is 106 and hence, contended that the land value adopted by the learned Rent Control authorities is being higher side and the petition premises measures 650 sq. ft. It appears from the order of the learned Rent Controller that plinth area was taken as a ground floor measuring 562 sq. ft. The extent of the land covers in the petition premises is only 686, while the area covers under the sample Sale Deed Ex.R.3 is 650 sq. ft.

5. Learned counsel for the respondent/landlady would contend that the petition premises is situated nearer to Kanthakottam Temple and also nearer to Central Railway Station and taking into consideration the proximity with the Central Railway Station and also the Kanthakottam Temple, the value arrived at by the learned Rent

Controller is just and fair.

6. Heard both sides and perused the records.

7. The fair rent fixed by the learned Rent Controller and as confirmed by the learned Rent Control Appellate Authority is under challenge on behalf of the tenant. Before the learned Rent Controller, on behalf of the landlady, her Engineer was examined as P.W.1 and documents Exs.P.1 to P.3 were marked and on behalf of the tenant, his Engineer was examined as R.W.1 and documents Exs.R.1 to R.4 were marked. In the absence of any approved plan being produced by the landlady, the Trial Court has taken the plinth area as 572 sq. ft. and the same cannot be found fault with.

8. On the point of land value, both the parties were heard and this Court also has perused the documents Exs.P.2, P.3, R.3 and R.4. The petition in R.C.O.P.No.274 of 2009 for fixation of fair rent was filed in the year 2009. The petition premises is situated at Old No.53, New No.106, Rasappa Chetty Street, Park Town, Chennai - 3.

Though Ex.P.2 property is not situated in Rasappa Chetty Street, it is very nearer to Devaraja Mudali Street. Further, R.W.1 has admitted that commercial establishments viz., Bus stop, Railway Station, Government General Hospital, Southern Railway Head Office, Kanthakottam, Market and Schools are situated very nearer to the petition premises.

9. Taking into consideration the location of the petition premises, both the learned Rent Control Authorities below have rightly come to the conclusion that the sample Sale Deed produced by the petitioner's side is more or less in close proximity in the petition premises and after apportionment as prescribed under the provisions of the Tamil Nadu Buildings (Lease and Rent Control) Act, the land value was fixed at Rs.70 lakhs and hence, I do not find any error in fixing the fair rent. Accordingly, this civil revision petition is liable to be dismissed.

10. In the result, this Civil Revision Petition is dismissed and the order passed by the learned VIII Judge, Court of Small Causes,

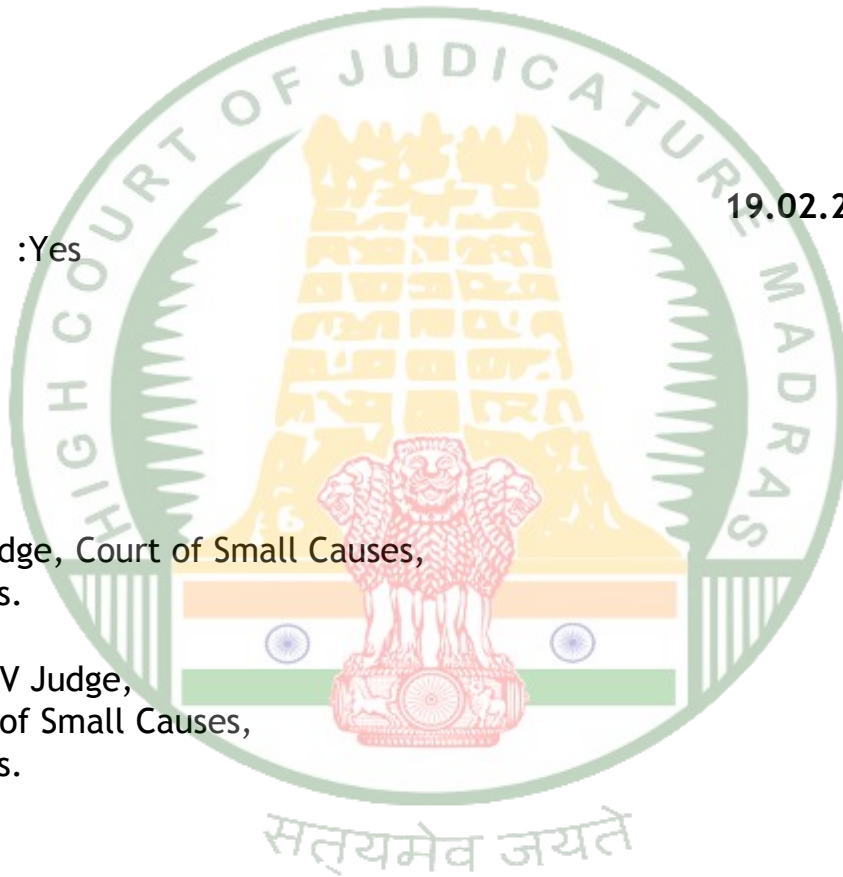
Madras (Appellate Authority), dated 13.08.2014 in R.C.A.No.361 of 2010 (preferred against the order dated 24.03.2010 passed by the learned XIV Judge, Court of Small Causes, Madras (Rent Controller) in R.C.O.P.No.274 of 2009, are confirmed. No costs.

19.02.2020

Internet :Yes
Jrl

To

1. VIII Judge, Court of Small Causes,
Madras.
2. The XIV Judge,
Court of Small Causes,
Madras.



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CRP(NPD).No.4794 of 2014

RMT.TEEKAA RAMAN, J.

Jrl



Order made in
C.R.P.[NPD] No.4794 of 2014

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