

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.3697 of 2018

and

C.M.P.no.20567 of 2018

K.Dinakaran

.. Petitioner

Vs.

V.Santhi

..Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 27.06.2018, passed in I.A.No.62 of 2017 in O.S.No.33 of 2014, on the file of the learned Rent Controller/ Principal District Munsif, Salem, and allow the above Civil Revision Petition.

For Petitioner : Mrs.K.S.Kamatchi

For Respondent : Miss.R.V.Gayathri
for Mr.P.B.Ramanujam

O R D E R

This matter is taken up for hearing through Video-Conferencing.

2. This Revision is against an order of partly allowing the application for scrapping the report of the Advocate Commissioner and re-issuing the warrant to enable him to comply with the memo of instructions given by the petitioner.

3. The main proceeding is one for fixation of fair rent. The land lord had applied for appointment of Advocate Commissioner in I.A.No.13 of 2015. A Commissioner was appointed and had filed a report and plan along with the valuation report of the Civil Engineer. The tenant sought for scrapping of the report complaining that the Commissioner has not followed the memo of instructions given by him.

4. The learned Rent Controller who heard the application concluded that no ground has been made out to scrap the report of the Commissioner. He, however directed the warrant to be re-issued to the same Commissioner with a direction to visit the property and note down the physical features and various factors specified by the parties through the memos of instructions.

5. Aggrieved by the portion of the order refusing to scrap the Commissioners report, the petitioner/ tenant has come up with this Revision. The main proceeding is one for fixation of fair rent. The parties who seek fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act should let in evidence justifying their claims. I do not see any need for appointment of Advocate Commissioner in the proceeding for fixation of fair rent. It is for the parties to examine their respective Engineers and place evidence before the court for determination of fair rent in terms of Section 4 of the said Act.

6. I therefore do not see any necessity for appointment of Commissioner in a proceeding under Section 4 of the said Act. Therefore, the report of the Commissioner filed in I.A.No.13 of 2015 is scrapped. The order directing re-issue of the warrant to the same Commissioner is also set aside. The Revision will stand allowed. The parties will be at liberty to place appropriate evidence before the Rent Controller to enable him to fix the fair rent of the premises.

7. Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

dsa

To

1.The Rent Controller Principal District Munsif,
Salem.

2.The Section Officer
VR Section
High Court, Madras

+1 cc to M/s.P.Veenasuresh Advocate sr41675

C.R.P.No.3697 of 2018

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