

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.No.3453 of 2016

Indian Bank,
Kolathur Branch,
Chennai

..Petitioner

Vs.

1.J.Nakkeeran(died)
2.J.Pandian
3.J.Elangovan

..Respondents

(RR2 and 3 brought on record as LR's of the
deceased sole respondent viz., J.Nakkeran
vide court order dated 25.04.2019 made in
CMP.No.10686 of 2018 in CRP.No.3453/2016

PRAYER:

The Civil Revision Petition is filed under Section 25(1) of Tamil Nadu Buildings and (Lease and Rent Control) Act, 1960 against the fair and decreetal order passed in RCA.No.849 of 2006 on the file of the VII Small Causes Court, Chennai dated 13.03.2013 confirming the fair and decreetal order dated 02.08.2006 in RCOP.No.2144 of 2005 on the file of the XVI Small Causes Judge at Chennai.

For Petitioner : M/s.R.R.K.Associates

For Respondents

For R2 : Mr.T.K.Viswanath
R1 : died
R3 : Not ready in notice

ORDER

The Civil Revision Petition is filed against the fair and decreetal order passed in RCA.No.849 of 2006 on the file of the VII Small Causes Court, Chennai dated 13.03.2013 confirming the fair and decreetal order dated 02.08.2006 in RCOP.No.2144 of 2005 on the file of the XVI Small Causes Judge at Chennai.

2. The petitioner is the tenant. The respondents are the landlords. The petition premises is located in a busy and commercial area and its land value per ground is more than Rs.25 lakhs. There is a superstructure and it is 15 years old at the time of filing the petition. The petitioner is a bank. Initially rent was fixed at Rs.10,000/- at the time of inducting the petitioner as a tenant. In the year 2005, the respondents filed petition for fixation of fair rent. On the side of the respondents, they examined PW1 and 2 and marked Ex.A1 to A3. On the side of the petitioner herein, they examined RW1 and 2 and marked Ex.B1 to B4. The learned Rent Controller fixed plinth area of the petition

premises at 2564.43 sq.ft and the cost of the construction is fixed at Rs.370/- for the ground floor Rcc roof and portico area and the ground floor roof is fixed at Rs.120/- . The value of the rent fixed at Rs.30 lakhs.

3. The learned counsel for the petitioner would submit that though the respondent failed to produce any sale deed in the said locality the petitioner produced the sale deed in the locality of Perambur where the land value is only Rs.15 lakhs per ground. Even then, the learned Rent Controller without considering the sale deed produced by the petitioner, fixed land value at Rs.30 lakhs. The learned Rent Controller also fixed amenities for the premises, schedule I and 5% thereby the learned Rent Controller fixed rent at Rs.37,018/- as fair rent for the petition premises payable by the petitioner herein and the same was confirmed by the learned Rent Control Appellate Authority. The learned counsel for the petitioner also submitted that the petition premises was already vacated and handed over the vacant possession to the respondent on 30.06.2009 itself.

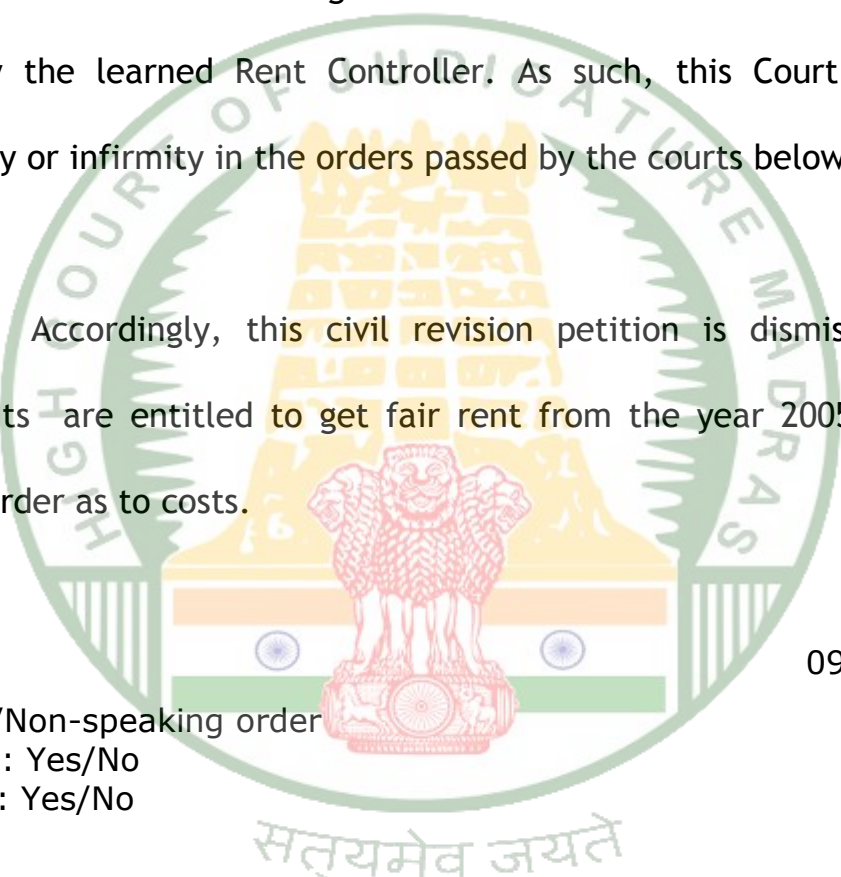
4. The petition premises is situated at Red Hills road, Kolathur.

Though the property situated next to Perambur, in the document produced by the petitioner shown the value at Rs.50 lakhs per ground. The ground rate is more than Rs.1 crore even in Perambur as well as Kolathur. Therefore, the learned Rent Controller fixed at Rs.30 lakhs as land value is fair and nothing warrants to interfere with the orders passed by the learned Rent Controller. As such, this Court finds no irregularity or infirmity in the orders passed by the courts below.

5. Accordingly, this civil revision petition is dismissed. The respondents are entitled to get fair rent from the year 2005 to 2009 only. No order as to costs.

09.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok



WEB COPY

To

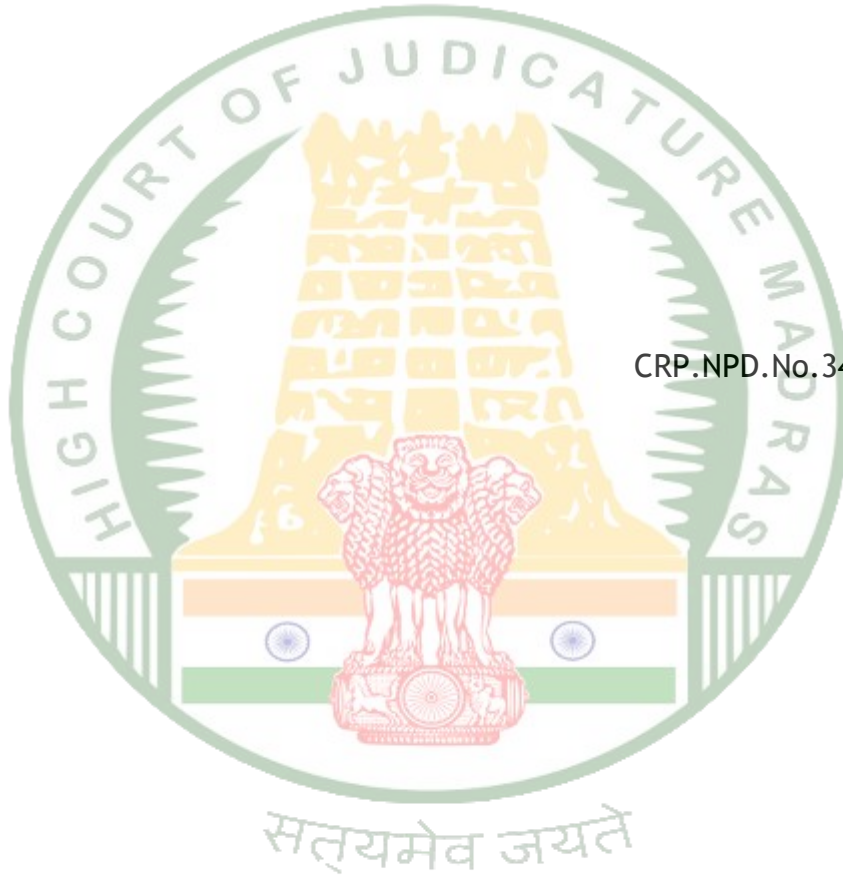
- 1.The VII Small Causes Judge,
Chennai
- 2.The XVI Small Causes Judge
at Chennai.



WEB COPY

G.K.ILANTHIRAIYAN,J.

lok



CRP.NPD.No.3453 of 2016

WEB COPY

09.02.2021