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CRP.Nos.1336, 2743, 3402 & 3717 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.Nos.1336, 2743, 3402 & 3717 of 2019

CRP.No.1336 of 2019

Kantha H.Bhatted

... Petitioner

Vs.

Jagadamba Corporation,
Rep by Sri Vallab Sarda

... Respondent

PRAYER:

Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 to set aside the judgment dated 29.11.2018 made in RCA.No.16 of 2017 on the file of the VII Small Causes Court, Chennai (Appellate Authority) insofar as it relates to reduction of fair rent of Rs.19,712/- fixed by the learned Rent Controller to Rs.16,755/- and modifying the fair and decretal order dated 05.11.2016 and made in RCOP.No.1190 of 2014 on the file of X Small Causes Court, Chennai.

For Petitioner : Mr.R.Ganesh

For Respondent : Mr.V.Chanakya

CRP.No.2743 of 2019

Kantha H.Bhatted

... Petitioner



CRP.Nos.1336, 2743, 3402 & 3717 of 2019

Vs.

Jagadamba Textiles,
Rep by Amirtlal Sarda

... Respondent

PRAYER:

Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 to set aside the judgment dated 29.11.2018 made in RCA.No.18 of 2017 on the file of the VII Small Causes Court, Chennai (Appellate Authority) insofar as it relates to reduction of fair rent of Rs.19,038/- fixed by the learned Rent Controller to Rs.16,180/- and modifying the fair and decretal order dated 05.11.2016 and made in RCOP.No.1195 of 2014 on the file of X Small Causes Court, Chennai.

For Petitioner : Mr.R.Ganesh

For Respondent : Mr.V.Chanakya

CRP.No.3402 of 2019

Jagadamba Textiles,
Rep by its proprietor Amirtlal Sarda

... Petitioner

Vs.

Kantha H.Bhatted

... Respondent

PRAYER:

Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 to set aside the order and decretal order made in RCA.No.18 of 2017 on the file of VII Judge, Small Causes Court, Chennai dated 29.11.2018 modifying the order passed in RCOP.No.1195 of 2014 on the file of X Small Causes Court,



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Chennai dated 05.11.2016 and refix the fair rent at the rate of Rs.5,556/- as per the petitioner engineer report and to allow the above civil revision petition.

For Petitioner : Mr.V.Chanakya

For Respondent : Mr.R.Ganesh

CRP.No.3717 of 2019

Jagadamba Corporation,
Rep by its proprietor Srivallab Sarda

... Petitioner

Vs.

Kantha H.Bhatted

... Respondent

PRAYER:

Civil Revision petition is filed under Section 25 of Tamilnadu Buildings (Lease and Rent Control) Act, 18 of 1960 as amended by Act 23 of 1973 to set aside the order and decretal order made in RCA.No.16 of 2017 on the file of VII Judge, Small Causes Court, Chennai dated 29.11.2018 modifying the order passed in RCOP.No.1190 of 2014 on the file of X Small Causes Court, Chennai dated 05.11.2016 and refix the fair rent at the rate of Rs.8,686/- as per the petitioner engineer report and to allow the above civil revision petition.

For Petitioner : Mr.V.Chanakya

For Respondent : Mr.R.Ganesh

COMMON ORDER

The civil revision petition in CRP.No.1336 of 2019 has been filed to set aside the judgment dated 29.11.2018 made in RCA.No.16 of 2017 on the



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file of the VII Small Causes Court, Chennai (Appellate Authority) insofar as it

relates to reduction of fair rent of Rs.19,712/- fixed by the learned Rent Controller to Rs.16,755/- and modifying the fair and decretal order dated 05.11.2016 and made in RCOP.No.1190 of 2014 on the file of X Small Causes Court, Chennai. The civil revision petition in CRP.No.2743 of 2019 has been filed to set aside the judgment dated 29.11.2018 made in RCA.No.18 of 2017 on the file of the VII Small Causes Court, Chennai (Appellate Authority) insofar as it relates to reduction of fair rent of Rs.19,038/- fixed by the learned Rent Controller to Rs.16,180/- and modifying the fair and decretal order dated 05.11.2016 and made in RCOP.No.1195 of 2014 on the file of X Small Causes Court, Chennai. The civil revision petition in CRP.No.3402 of 2019 has been filed to set aside the order and decretal order made in RCA.No.18 of 2017 on the file of VII Judge, Small Causes Court, Chennai dated 29.11.2018 modifying the order passed in RCOP.No.1195 of 2014 on the file of X Small Causes Court, Chennai dated 05.11.2016 and to refix the fair rent at the rate of Rs.5,556/- as per the petitioner engineer report. The civil revision petition in CRP.No.3717 of 2019 has been filed to set aside the order and decretal order made in RCA.No.16 of 2017 on the file of VII Judge, Small Causes Court, Chennai dated 29.11.2018 modifying the order passed in RCOP.No.1190 of 2014 on the file of X Small Causes Court, Chennai dated 05.11.2016 and to



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refix the fair rent at the rate of Rs.8,686/- as per the petitioner engineer report.

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2. The petitioners in CRP.Nos.3402 and 3717 of 2019 are the tenants (hereinafter called as 'the tenants') and the petitioners in the other two civil revision petitions i.e.CRP.Nos.2743 and 1336 of 2019 are the landlord(hereinafter called as 'the landlord').

3. The landlord owned the petition premises and rented out to the tenants for the monthly rent at Rs.3,780/- per premises. Thereafter the landlord filed petitions for fixation of fair rent for both the petition premises. The learned Rent Controller fixed fair rent at Rs.19,038/- and Rs.19712/- for the respective premises. Aggrieved by the same, the tenants filed appeals before the learned Rent Control Appellate Authority and the learned Rent Control Appellate Authority after considering the subsequent events, reduced the rent fixed by the learned Rent Controller to the tune of 15% and fixed fair rent at Rs.16,180/- and 16,755/- respectively. Aggrieved by the same, the landlords as well as the tenants preferred these civil revision petitions.

4. The learned counsel for the tenants contended that the learned



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Rent Controller mechanically fixed land value at Rs.2,00,00,000/- per ground without considering the sale deed produced by the tenants as the value at only Rs.1,00,00,000/- per ground. He further submitted that the learned Rent Controller fixed the amenities to the petition premises at the rate of 15% instead of 10% since the said amenities are shared by all the 34 tenants commonly. Admittedly the tenants are not enjoying the said amenities exclusively. Therefore, the learned Rent Controller ought to have fixed at the rate of 10%.

5. The learned counsel for the landlord submitted that without any reason, only on the ground of subsequent events, the learned Rent Control Appellate Authority mechanically reduced the fair rent fixed by the learned Rent Controller to the tune of 15%.

6. On perusal of records, revealed that the learned Rent Controller fixed the market value of the land as Rs.2,00,00,000/- per ground. The petition premises is situated in the Godown Street. It is the heart of the business area of Chennai. At the time of induction, even in the year 2012, the tenants paid a sum of Rs.3,780/- per premises as monthly rent. Therefore, the learned Rent Controller rightly fixed the value of the land at Rs.2,00,00,000/- per ground.



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Considering the other amenities enjoyed by the tenants, the learned Rent

Controller fixed rent at Rs.19,038/- and Rs.19,712/- respectively. The learned

Rent Control Appellate Authority also considered the subsequent events, i.e.

beneficiary for the petition premises and other neighbours are also using the

pathway from Godown Street to Govindappa Street. Further the backside entry

passage was also blocked in order to protect the petition premises from illegal

activities by third persons and also in order to avoid parking of two wheelers.

The said passage relates to both the sides. It definitely reduced the utility of the

petition premises. Therefore, the learned Rent Control Appellate Authority

rightly reduced the fair rent fixed by the learned Rent Controller to the tune of

15% and fixed rent at Rs.16,180/- and 16,755/- respectively as monthly rent

payable by the tenants. Therefore, this Court finds no infirmity or illegality in

the orders passed by the learned Rent Control Appellate Authority. As such, all

the civil revision petitions are liable to be dismissed.

7. Accordingly, the orders dated 29.11.2018 passed by the learned Rent Control Appellate Authority are confirmed and all the civil revision petitions are dismissed. There shall be no order as to costs.



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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The VII Small Causes Court,
Chennai
- 2.The X Small Causes Court,



Chennai.

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