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C.R.P.No.1659 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.No.1659 of 2019
and C.M.P.No.10768 of 2019

A.S.Hansraj

.. Petitioner

VS

C.R.Balasubramanian

.. Respondent

Petition filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent) Control Act to set aside the order and decree dated 20.12.2018 passed in R.C.A.No.166 of 2016 by the Hon'ble VIII Small Causes Court, Chennai / Rent Control Appellate Authority, modifying the order and decree dated 18.12.2014 passed in R.C.O.P.No.1502 of 2011.

For Petitioner : Mr.Nithaesh Nataraj
for Mr.Anirudh A.Sriram

For Respondents : Mr.B.Manivannan

ORDER

C.R.P.No.1659 of 2019 is a revision preferred against RCA No.166 of 2016 on the file of VIII Court of Small Cause at Chennai. R.C.A.No.166 of 2019 arose out of RCOP No.1502 of 2011. RCOP No.1502 of 2011 was filed for fixation of fair rent.

2. Mr.Nithaesh Nataraj would submit that according to his engineer's analysis the value of the cost of one ground, in the year



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2011, would come to Rs.57,060/-. The property is situated in Rohini Gardens, R.A.Puram, Chennai – 600 028.

2.1 The trial Court rejected the value that was given by the petitioner's engineer as well as that of the respondent's engineer and fixed the value of the land at Rs.3 crores per ground. The basis on which the land value was fixed at Rs.3 crores is not only on the basis of the cost of the land which was available on that date but also taking into consideration of the locational advantages of the property.

2.2 On appeal, the lower appellate court found that there is no dispute with respect to other aspects and came to the conclusion that the value of the land should be fixed at Rs.2 crores on the same grounds. He had taken into consideration the locational advantages and disadvantages and came to that conclusion.

2.3 Mr.Nithaesh would submit that this is arbitrary and would state that he should have given some reasons for the purpose of arriving at that figure of Rs.2 crores. He would state that unless and until reasons are furnished, it cannot be but an act of guess work.



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3. Mr.B.Manivannan, learned counsel appearing for the respondents would defend the fixation of value that was fixed by the learned first appellate judge.

4. At the outset, Mr.Nithaesh very fairly submitted that as against the order of fair rent he has preferred a revision but as against the order of eviction which was ordered on 25.01.2023, no revision has been preferred. Mr.B.Manivannan, learned counsel appearing for the respondents / landlord would state that since no revision has been preferred against the order of eviction, he had filed an execution petition and had taken delivery of the property on 08.08.2023.

5. In so far as this revision is concerned, the landlord's engineer had as usual pegged it at a very high figure of Rs. 4 crores. Not to be surprised with the attitude of the landlord, the tenant also wanted to reduce the value of the property and fix it only at Rs.60 lakhs.

6. Fixation of fair rent under the erstwhile Tamilnadu Building Lease and Rent Control Act, 1960 is a guess work. It is a



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subjective decision based on objective criteria. The value of the land is arrived at by adding the actual value together with the location in which the land is situate. While, the Rent Controller had fixed it at Rs.3 crores only on the basis of locational advantages, it has been reduced by the Rent Controller Appellate Authority taking into consideration that the property is at R.A.Puram, at Rs. 2 crores.

7. I have to agree with Mr.Nithaesh that value fixed is a kind of a guess work. It has to be a guess work because it is a summary proceeding and not a lengthy proceeding as done under the Land Acquisition Act. There is bound to be some amount of variations since it is a guess work but considering the fact that the property is at R.A.Puram, a very prime and upmarket residential locality in the city of Madras, the learned Appellate Authority has chosen the value of Rs.2 crores. There are advantages of the land which has been brought out by the petitioner's engineer which has played in the mind of the Rent Control Appellate Authority in order to arrive at that figure.

8. Being an appreciation of evidence, I am unable to interfere with the same under Section 25 of the Tamil Nadu Buildings Lease and Rent Control Act. The said Section does not



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permit me to re-appreciate the evidence. Therefore, this civil revision petition is dismissed. No costs. Connected miscellaneous petition is closed.

28.08.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

The VIII Small Causes Court, Chennai /
Rent Control Appellate Authority.



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V. LAKSHMINARAYANAN,J.

ssm

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