



C.R.P.(NPD)No.3791 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)No.3791 of 2019

1.M/s.Modern Distributing Company
Old No.78, New No.200,
Singanna Chetty Street,
Chintadripet, Chennai-2.
2.K.Sriram

... Petitioners

Vs.

K.K.Ashok

... Respondent

PRAYER: Civil Revision Petition is filed under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, against the order passed in R.C.A.No.129 of 2015 by the learned IX Judge, Court of Small Causes Court (Appellate Authority) Chennai on 27.11.2018, confirming the order of the learned Rent Controller in RCOP.No.838 of 2011 on the file of the XIV Judge, Court of Small Causes, Chennai dated 28.10.2014.

For Petitioners : Mr.M.Balasubramanian

For Respondent : Mr.K.P.Ashok



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ORDER

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This civil revision petition arises against an application filed for fixation of fair rent under Section 4 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960. There is no dispute between the relationship of the landlord and tenant. The parties are agreeable with respect to the following categories namely, (i)type of building, (ii)age of building, (iii)depreciation, (iv)plinth area, (v)basic amenities, (vi)cost of construction and (vii)apportionment of land.

2.The only dispute which arises is with respect to the value of the land. The Rent Controller fixed the value of the land at Rs.1 crore and on that basis had fixed the fair rent at Rs.1,72,46,744/-. This was appealed against by both the landlord as well as the tenant. The landlord's appeal was taken on file as RCA.No.55 of 2015 and the tenant's appeal as RCA.No.129 of 2015.

3.The Rent Control Appellate Authority came to the conclusion that the value of the land as fixed by the Rent Controller is correct. A perusal of the Engineer's report filed by the petitioner shows that the property is situated near Richie Street which is popularly known as



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Narasingapuram. Apart from that, the Engineer has also found out that there are locational advantages of several shopping complex, movie halls, hotels, schools and colleges situated nearby. The Rent Controller preferred Ex.P3, which is a document relating to the Narasingapuram as against Ex.R3 for the property situated on the same street at the western end.

4.Mr.Balasubramanian, learned counsel appearing for the petitioners would vehemently contend that the document produced by him is the best evidence as it is situated on the same street and that ought to have been taken note of by the Rent Controller as well as Appellate Authority and the value should have been fixed at Rs.30 lakhs and not at Rs.1 crore.

5.Mr.K.P.Ashok, learned counsel appearing for the respondent would state that he had filed the document of Richie Street which is closer to the demise premises and therefore, the Courts below rightly took the said document for calculation.

6.I have carefully considered the arguments on either side.



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7.The property is situated near Mount Road. The document under Ex.R3 is situated in the other end of the said road, which is closer to the river Coovam. While dealing with an application under fair rent, more or less the same principles that apply for fixation of value during acquisition of land under the Land Acquisition Act, 1894 have to be applied. The property which is closer to the petition mentioned property should be preferred as against one which is situated far away from the said area even if it is situated on the same road.

8.The Rent Controller as well as the Rent Control Appellate Authority have applied this principles of law and had found that the property which is situated nearby namely, Richie Street/Narasingapuram is more in tune for fixation of the fair rent for the said premises than the document, which is situated on the same road, but on the other end. A property which is situated near Mount Road as stated by the Engineer/PW1 has lot of locational advantages. Therefore, the Courts below have rightly chosen the said document while rejecting Ex.R3.



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9.The value arrived at is Rs.1 crore which is reasonable and proximate to the value that the property would have fetched in the year 2011. The principles of law having been rightly applied and this revision arising under Section 25 of the Act, I am not in a position to re-appreciate the evidence. Consequently, this civil revision petition is dismissed. No costs.

12.09.2023

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

vs

To

1.The IX Judge, Court of Small Causes Court
(Appellate Authority) Chennai.

2.The XIV Judge, Court of Small Causes,
Chennai.

V.LAKSHMINARAYANAN,J.

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VS

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