



C.R.P(MD)No.346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.346 of 2023

and

C.M.P(MD)No.1690 of 2023

S.Selvakumar

... Petitioner/Petitioner/
Respondent

Vs.

Raja Manickam

... Respondent/Respondent/
Petitioner

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the entire record pertaining to I.A.No.2 of 2022 in R.C.O.P.No.7 of 2021 dated 11.10.2022 on the file of the Learned Rent Controller/Principal District Munsif, Thoothukudi, set aside the same by allowing the present Civil Revision Petition.

For Petitioners : Mr.P.Pethu Rajesh



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ORDER

The present revision petition has been filed by the tenant challenging an order passed by the Rent Controller, Thoothukudi rejecting an application filed by him for appointment of an Advocate Commissioner to note down the physical features of the property for the purpose of valuing the property and to fix the fair rent for the building.

2. The landlord had filed R.C.O.P.No.7 of 2021 before Rent Controller, Thoothukudi on the ground of owner's occupation and on the ground that the tenant has refused to enter into a lease agreement with the landlord invoking to proviso to Section 4 (2) of Tamil Nadu Act 42 of 2017.

3. Pending the said application, the tenant has filed I.A.No.2 of 2022 for appointment of an Advocate Commissioner to note down the physical features of the property for the purpose of fixing the value of the



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building and the fair rent for the said building. The said application has been dismissed by the Rent Controller. Challenging the same, the present revision petition has been filed.

4. As rightly pointed out by the learned Rent Controller, fixation of fair rent is no longer within the jurisdiction of the Rent Controller. The tenant or the landlord has to approach the rent authority under Section 10 of the new Act for fixation of fair rent or for revision of rent. That apart, the present application has been filed by the landlord to evict the tenant on the ground of owner's occupation and on the ground that the tenant has refused to enter into a lease agreement with the landlord. To establish these two grounds, the question of appointing an Advocate Commissioner to note down the physical features of the building does not arise.

5. Therefore, I do not find any illegality or infirmity in the order passed by the learned Rent Controller. Hence, this Civil Revision Petition stands dismissed. However, the tenant is at liberty to approach



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the authorities under Section 10 of the Act. No costs. Consequently,
connected Civil Miscellaneous Petition is closed.

13.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Rent Controller/Principal District Munsif,
Thoothukudi,
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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R.VIJAYAKUMAR ,J.

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Order made in
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13.02.2023