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C.R.P.(MD)No.1198 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(MD)No.1198 of 2023

and

C.M.P.(MD)No.5778 of 2023

R.Chandrasekar

.. Petitioner

Versus

P.T.Samandham

.. Respondent

Prayer :- Petition filed under Section 25 of the Tamil Nadu Buildings [Lease and Rent Control] Act, 1960, against the judgment and decretal order dated 27.04.2022, passed in R.C.A.No.4 of 2020, on the file of the Principal Subordinate Court, Tiruchirappalli, confirming the order dated 24.07.2020, passed in R.C.O.P.No.126 of 2015, on the file of the Rent Controller/Principal District Munsif Court, Tiruchirappalli.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.A.Robinson

ORDER

The petitioner is the tenant, who suffered an adverse judgment and decree of the Rent Control Court in R.C.O.P.No.126 of 2015, on 24.07.2020. The said

R.C.O.P. was filed by the respondent/landlord for fixation of fair rent under Section 4

<https://www.mhc.tn.gov.in/judis>



of the Tamil Nadu Buildings [Lease and Rent Control] Act, 1960 and the same was allowed. Aggrieved by the same, the petitioner had filed an appeal before the Rent Control Appellate Court in R.C.A.No.4 of 2020, which was also dismissed on 27.04.2022. Challenging the same, the petitioner has filed the present Civil Revision Petition.

2.The specific case of the petitioner is that he had taken the property from the previous owner namely, Kursheeth Begum in the year 2000 and had paid a sum of Rs.2,00,000/- to her towards sale consideration, but was unaware of the subsequent sale to the respondent. In fact, the petitioner, who was also attempting to negotiate with the previous owner Kursheeth Begum was unaware of the fact that the said Kursheeth Begum had sold the land to the respondent on 10.07.2009.

3.It is submitted that the petitioner was paying a monthly rent of Rs.1,700/-, which has been increased manifold times to Rs.29,700/-, vide the order of the Rent Controller in R.C.O.P.No.126 of 2015. It is submitted that while calculating the fair rent, the Valuer appointed by the Advocate Commissioner has also reckoned the Portico portion and therefore, the rent has been fixed at Rs.29,700/-, which is highly exorbitant and does not commensurate with the value of the property. That apart, it is submitted that even though the property was purchased by the respondent on 10.07.2009 from the previous owner Kursheeth Begum, the rent control proceedings in R.C.O.P.No.126 of 2015 was filed only in 2015. That apart, it is submitted that



the respondent had attempted to evict the petitioner and therefore, the petitioner had also filed O.S.No.860 of 2008 for a bare injunction and that the said suit came to be decreed.

4.The respondent had also filed a parallel proceedings in R.C.O.P.No.117 of 2015, to evict the petitioner, which was decreed and that an appeal has been filed by the petitioner in R.C.A.No.41 of 2017. In the said proceedings, the petitioner has filed an Interlocutory Application for sending the signature of the said Vendor Kursheeth Begum for comparison.

5.The learned counsel for the respondent submitted that the petitioner has suffered concurrent adverse orders in the hands of the Rent Controller in R.C.O.P.No.126 of 2015 on 24.07.2020 and the Rent Control Appellate Authority in R.C.A.No.4 of 2020 on 27.04.2022. Therefore, no interference is called. It is further submitted that the impugned order is well reasoned and does not call for interference.

6.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

7.There is no scope for interfering with the impugned order passed by the Rent Controller and the Rent Control Appellate Authority, affirming the decision of the Rent Controller in R.C.O.P.No.126 of 2015, vide the order, dated 24.07.2020.



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8.This Court is concerned with the procedure adopted by the Rent Controller while arriving at the fair rent. A reading of the order passed by the Rent Controller, which stands affirmed by the judgment and decree of the Rent Control Appellate Authority, indicates that there is a proper application of mind to the report filed by the registered Valuer appointed by the Advocate Commissioner in a proceeding initiated under Section 4 of the Tamil Nadu Buildings [Lease and Rent Control] Act, 1960, for fixation of fair rent. Therefore, I am not inclined to interfere with the impugned order. Hence, the present Civil Revision Petition is dismissed. All other rights of the petitioner are left open to be canvassed in R.C.A.No.41 of 2017. No costs. Consequently, connected Miscellaneous Petition is closed.

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

02.06.2023

- 1.The Principal Subordinate Judge,
Tiruchirappalli.
- 2.The Principal District Munsif,
Tiruchirappalli.



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C.SARAVANAN, J.

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Order made in
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