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C.R.P.(NPD)Nos.171 of 2022 and 1504 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD)Nos.171 of 2022
and 1504 of 2024

C.R.P.(NPD)No.171 of 2022 :

Y.Doraisamy

.. Petitioner

Vs.

M/s.Sha Uthamchand Devichandji,
Represented by its Proprietor,
Rakesh,
No.75/155, Govindappa Naicken Street,
Chennai – 600 079

.. Respondent

Prayer : The Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the decree and judgment of the learned VII Judge, Court of Small Causes at Chennai, dated 14.08.2019 in R.C.A.No.242 of 2016 modifying the order and decree of the learned XIII Judge, Court of Small Causes at Chennai in R.C.O.P.No.1446 of 2013, dated 04.01.2016 and refix the fair rent.

For Petitioner : Mr.K.S.Sundar

For Respondent : Mr.V.Sivakumar
for Mr.P.B.Ramanujam



C.R.P.(NPD)Nos.171 of 2022 and 1504 of 2024

C.R.P.(NPD)No.1504 of 2024 :

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M/s.Sha Uthamchand Devichandji,
Represented by its Proprietor,
Rakesh,
No.75/155, Govindappa Naicken Street,
Chennai – 600 079

.. Petitioner

Vs.

Y.Doraisamy

.. Respondent

Prayer : The Civil Revision Petition is filed under Section 25 of Tamil Nadu Buildings (Lease and Rent Control) Act, 1960, to set aside the judgment and decree in R.C.A.No.242 of 2016 dated 14.08.2019 on the file of the learned VII Judge, Small Causes Court at Chennai modifying the order and decreetal order in R.C.O.P.No.1446 of 2013 dated 04.01.2016 on the file of the XIII Small Causes Court at Chennai.

For Petitioner : Mr.V.Sivakumar
for Mr.P.B.Ramanujam

For Respondent : Mr.K.S.Sundar

COMMON ORDER

These Civil Revision Petitions arise out of the application filed for the fixation of fair rent by the landlord for the premises situated at Old No.75, New No.155, Govindappa Naicken Street, Chennai – 600 079.



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2. The purpose of tenancy is non-residential. There is no dispute insofar as the type of the building, the depreciation of the building, the age of building, plinth area, the cost of construction, and land possession are concerned. The only dispute relates to the value of the land.

3. The Court had two documents filed by the landlord and the tenant to access the land value. The landlord relied upon the document under Ex.P3 relating to a property situated at New D.No.193, Govindappa Naicken Street. The tenant relied upon the document under Ex.R6 relating to the property situated at New No.103, Govindappa Naicken Street.

4. Both the Courts below have preferred to use the document under Ex.P3 as the property dealt under the said document was closer to the petition schedule mentioned property. The value on that basis has been taken to be a sum of Rs.3,31,46,285/- per ground. This is because the Government of Tamil Nadu had revised the guideline value from 01.04.2012 and the document under Ex.P3 is made after the cut off date, whereas, the document under Ex.R6 was executed before the cut off date. Therefore, I do not find any error in the order passed by the Courts below



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in choosing Ex.P3 over Ex.R6 as the said property is close to the demised premises.

5. Apart from that, more or less the same principles that have been applied for the fixation of value in the land acquisition proceedings have to be applied for the fixation of fair rent under the Rent Control Act. The property under Ex.P3 being closer, the Courts below have rightly chosen that value.

6. Insofar as C.R.P.(NPD)No.171 of 2022 is concerned, the learned Rent Controller had taken into account the appreciation for three years, namely, 2013, 2014 and 2015. Since he pronounced the judgment in the year 2016, he was of the opinion that the said calculation would be an appropriate value to be taken for the property.

7. It is a settled position of law that the value that shall be taken into account for assessing the land value is the value of the property on the date of filing of the Rent Control Original Petition. The Rent Control Original Petition had been filed on 12.08.2013 and therefore, the Rent Controller had



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erred in adding 15% appreciation for the years, namely, 2014 and 2015 in his order. This has been rectified by the lower Appellate Court on appeal and it has arrived at a value of Rs.3,31,46,285/-. I do not find any error in the same.

8. Therefore, the value that has been fixed by the lower Appellate Court is confirmed. The order of the Rent Control Appellate Authority in RCA.No.242 of 2016 on the file of the learned VII Judge, Court of Small Causes at Chennai in modifying the order of XIII Court of Small Causes at Chennai in R.C.O.P.No.1446 of 2013 dated 04.01.2016 stands confirmed.

9. Accordingly, these Civil Revision Petitions stand dismissed. No costs.

03.04.2024
(2/3)

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No



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V. LAKSHMINARAYANAN, J.

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To

- 1.The learned VII Judge,
Small Causes Court, Chennai
- 2.The XIII Small Causes Court,
Chennai

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and 1504 of 2024

03.04.2024
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