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C.R.P.(NPD).No.1748 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.1748 of 2019
and C.M.P.No.11176 of 2019

R.Raja Shankar

... Petitioner

VS

T.S.Alagesan [Since deceased]

Ranjini

... Respondent

Prayer: Civil Revision Petition is filed under Section 25 of the Tamilnadu Buildings [Lease and Rent Control] Act 1960 as amended, praying to set aside the Decree and Judgement passed in R.C.A.No.439 of 2013, dated 14.12.2018 on the file of VII Court of Small Causes, Chennai [Rent Control Appellate Authority] confirming the Decree and Judgement passed in R.C.O.P.No.1439 of 2011, dated 27.08.2013 on the file of XII Court of Small Causes at Chennai [Rent Controller].

For Petitioner : Mr.R.Munusamy

For Respondent : Mr.R.Rajesh Vivekanandan



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ORDER

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The Civil Revision Petition is filed by the tenant aggrieved by the fixation of fair rent by the learned Rent Controller as well as Appellate Authority at the rate of Rs.5,261/- per month.

2. The respondent/landlord filed a petition for fixation of fair rent in respect of non-residential building let out to the petitioner. The learned Rent Controller fixed the fair rent at Rs.5,261/- and the said order was confirmed by the Appellate Authority. Aggrieved by the same, the petitioner/tenant is before this Court.

3. According to the respondent, the demised premises is a non-residential building with an extent of 250 sq.ft located in No.331, Konnur High Road, Ayanavaram, Chennai – 600 023. The Rent Controller has taken plinth area of the building as 129.37 sq.ft and the same was not disputed by the respondent before the Court below.



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4. A reading of the order passed by the Rent Controller as well as Appellate Authority would indicate that there is no dispute regarding age, type of building, plinth area, basic amenities, depreciation and apportionment. The main dispute between the parties is only with regard to land value fixed by the Rent Controller. The respondent/landlord's Engineer filed his report as Ex.P1 and as per the respondent/landlord Engineer's report, the land value of the site was fixed at Rs.2,50,000/- based on Ex.P3-Sale Deed. However, the petitioner/tenant's Engineer fixed land value at Rs.70,00,000/- based on Ex.R3-Sale Deed. The learned Rent Controller taking into consideration the location of the building fixed the land value at Rs.1,80,00,000/- and the same has been impugned by the petitioner/tenant before the Appellate Authority on the ground the locational advantages have not been discussed by the Rent Controller.

5. The Appellate Authority observed that the petitioner's Engineer, who was examined as RW.1 clearly admitted that the property covered by Ex.R3-Model Sale Deed located in a lane with 60 feet length and 7 feet width. Therefore, the Appellate Authority rejected the land value fixed by the



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petitioner's Engineer based on Ex.R3-Model Sale Deed. It is also noted that

petitioner/tenant's Engineer clearly admitted that near the demised premises

சயானிக் பிளாட்ஸ் and டோனி பிளாட்ஸ் are situated. Therefore, based on the said admission of the petitioner's Engineer, the Appellate Authority came to the conclusion that demised premises is located in a place having locational advantages. It is also admitted by RW.1 namely petitioner's Engineer that demised premises is located in commercial cum residential area. Though under Ex.P3-Sale Deed relied on by the respondent the land value was mentioned as Rs.2,50,00,000/-, the Rent Controller fixed the land value only at Rs.1,80,00,000/-. In such circumstances, the Appellate Authority accepted the land value fixed by the Rent Controller by taking into consideration the locational advantages. Further, the rent fixed by the Rent Controller is only Rs.5,261/- per month for a non-residential building with plinth area of 129.37 sq.ft. The building is located in Chennai City. In such circumstances, I do not find fair rent fixed by the Court below is unreasonable. There is no patent error or illegality in the order passed by the Courts below in fixing the fair rent at the rate of Rs.5,261/-.



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6. Accordingly, the Civil Revision Petition stands dismissed. No costs.

WEB CON Consequently, the connected civil miscellaneous petition is closed.

16.02.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

1.The VII Court of Small Causes,
[Rent Control Appellate Authority]
Chennai.

2.The XII Court of Small Causes.
[Rent Controller]
Chennai.



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S.SOUNTHAR, J.

dm

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