



C.R.P(MD)No.1297 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.1297 of 2023

and

C.M.P(MD)No.6373 of 2023

P.Sivasubramaniam

... Petitioner /
Respondent

Vs.

Palpandian

... Respondent /
Petitioner

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 23.02.2023 passed in I.A.No.1 of 2021 in R.C.O.P.No.24 of 2019 on the file of the Rent Control Tribunal cum District Munsif Court, Rajapalayam by allowing this civil revision petition with costs.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.S.I.Muthiah



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ORDER

The erstwhile tenant is the revision petitioner herein. The land lord filed R.C.O.P.No.24 of 2019 on the file of Rent Control Tribunal cum District Munsif Court, Rajapalayam for fixation of fair rent. He has also filed R.C.O.P.No.25 of 2017 seeking eviction. The petitioner surrendered possession on 21.09.2021. He questions the impugned order dated 23.02.2023 made in I.A.No.1 of 2021 in R.C.O.P.No.24 of 2019 appointing Advocate Commissioner to assess the value of the building and also amenities. IA was allowed on 23.03.2023. Questioning the same, this Civil Revision Petition has been filed.

2.The learned counsel for the revision petitioner / erstwhile tenant points out that after he surrendered possession in the year 2021, the landlord has extensively renovated and redone the building and subsequently let out the same to one Dentist. Therefore, the position that originally obtained has ceased to exists. He therefore called upon this Court to set aside the impugned order.



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3. There is some merit in the contention advanced by the learned counsel for the revision petitioner. At the same time, the impugned order cannot be set aside in *toto*. It calls for a modification. The Advocate Commissioner appointed by the rent controller cannot go by the current position of the building. He has to assess the market value by taking into account the land value and the value of the building minus improvements subsequently made. Since the tenant has surrendered possession of the premises, the market value will have to be reckoned as on the date of filing of the IA.

4. With this modification and clarification of the impugned order, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

The Rent Control Tribunal cum District Munsif Court,
Rajapalayam.

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