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C.R.P.No.1005 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1005 of 2022

1.Berger Paints India Limited,
No.32, Chowringhee Road,
Kolkata 700 071

2.Berger Paint India Limited,
Old No.126, New No.232,
Peters Road, Gopalapuram,
Chennai – 600 086.

.. Petitioners

Versus

Dr.R.Saravanan

.. Respondent

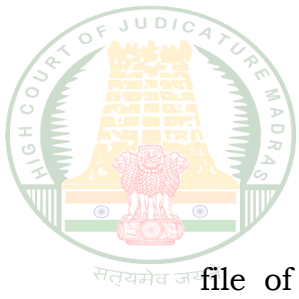
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment and decree dated 09.10.2020 in RCA.No.457 of 2014, on the file of the VII Judge, Court of Small Causes, Chennai confirming the order and decree passed in RCOP.No.111 of 2008 dated 10.06.2014 on the file of the XI Court of Small Causes, Chennai.

For Petitioners : Mrs.Chitra Sampath, Senior Counsel,
for Mr.Vivek Menon

For Respondent : Mr.T.Sezhian

ORDER

This revision has been filed by the tenants to set aside the judgment and decree dated 09.10.2020 in RCA.No.457 of 2014, on the



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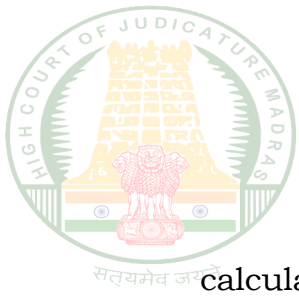
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file of the VII Judge, Court of Small Causes, Chennai confirming the order and decree passed in RCOP.No.110 of 2008 dated 10.06.2014 on the file of the XI Court of Small Causes, Chennai.

2. The civil revision petitioners are the tenants/respondents in RCOP.No.110 of 2008. The respondent in this revision is the landlord.

3. For the sake of convenience, the parties will be referred to as landlord and tenants.

4. The landlord presented RCOP.No.110 of 2008 invoking Section 4 of the erstwhile Tamil Nadu Buildings (Rent and Lease Control) Act, 1960. His plea is that he is the absolute owner of the schedule mentioned property and that, it had been occupied by the tenants for the purpose of non-residential business i.e., godown. He pleaded that the godown measures about 5083.50 sq.ft., with an additional mezzanine floor to an extent of 808.5 sq.ft. He pleaded that the Godown has A/c sheet roofing, overhead water tanks, 1 horse power motor pumpsets, compound wall, cement floor and toilets. It was further alleged that the property is centrally located in a commercial area, having several locational advantages. He alleged that the land value, where the property is situated, is around Rs.1,00,00,000/-. Applying the



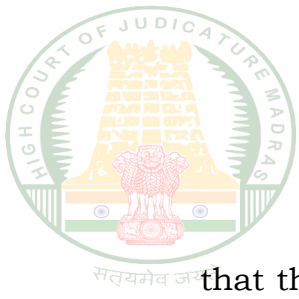
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calculation for fair rent, he pleaded the fair rent of the building is Rs.3,15,435/-.

5. Summons were served on the tenants. The tenants agreed to the relationship of landlord and tenants. They pleaded that the property is not situated in the Peters Road as alleged, but in Peters lane. They further stated that the land cost is only about Rs.71,92,380/-. On the basis of calculation given by them in the counter with respect to the value of the site, cost of construction, depreciation and the land cost, the tenants pleaded that the fair rent should only be Rs.78,422/-. Substantiating this plea, an additional counter too was presented.

6. Before the rent controller, the plaintiff examined one Mr.Azeez Moideen and marked Ex.P1 to Ex.P5. On the side of the tenants, one Mr.Narendra Dass was examined as RW1. Ex.R1 to Ex.R4 were marked on their side.

7. Learned Rent Controller held that it is a Type-I Class A construction. The age of the building was assessed at 48 years. The cost of A/c built up area in ground floor 4954 sq. ft at Rs.282/-, the cost of RCC Roof area in Ground floor of 385.5 sq. ft., at Rs.393/- per sq. ft and the first floor RCC of 385.5 sq. ft., at Rs.365/-per sq.ft. The court found



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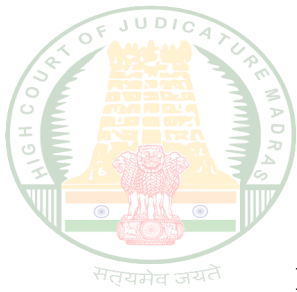
that the basic amenities were existing and granted 15% for the same. In addition to these basic amenities, the court concluded that the premises had schedule -1 amenities and awarded 5 % for the same.

8. Insofar as the depreciation is concerned, the learned Rent Controller awarded 1% for 48 years and worked it out to 0.6172. With respect to the land value, the learned Rent Controller fixed the value, relying upon Ex.P3, at Rs.1,67,00,000/-. On the basis of these details, the court came to a conclusion that the fair rent would be Rs.4,18,170/-.

9. Aggrieved by the said order, the tenants preferred an appeal to the learned VII Court of Small Causes, cum Rent Control Appellate Authority at Chennai. This appeal was numbered as RCA.No.457 of 2014.

10. The Appellate Authority agreed with the findings of the learned Rent Controller on the following:

Type of the building	- Type-I Class A
Age of the building	- 48 years
Basis amenities	- 15%
Schedule – I amenities	- 5%
Depreciation	- 0.6172



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Plinth area with A/c Sheet
roof portion on the ground
floor - 4954 sq. ft.

RCC roof portion on the
ground floor - 385.5 sq. ft

RCC portion on the
first floor - 385.5 sq. ft

Cost of construction for
A/c sheet roof portion on
the ground floor - Rs.282 per sq. ft.

Cost of construction for the
RCC roof portion on the
ground floor - Rs.393 per sq ft.

Cost of construction for the
RCC roof portion on the
first floor - Rs.365 sq.ft.
Land value - Rs,1,67,00,000/-

12. As he agreed with these findings, the learned Rent Control Appellate Authority found no merit in both the appeals and consequently, dismissed both RCA.No.457 of 2014 and held the fair rent fixed at Rs.4,18,170/- is correct. This civil revision petition challenges the aforesaid orders.

13. I should refer here that the tenants had vacated the premises pending the RCOP and therefore, the landlady would be entitled for the fair rent only from the date of petition till the date of vacating and handing over the premises.



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14. I heard Mrs.Chitra Sampath, learned Senior Counsel representing Mr.Vivek Menon for the petitioners and Mr.T.Sezhian for the respondent.

15. Mrs.Chitra Sampath urges that the value of the land given by the landlord was only Rs.1,00,00,000/-, whereas the learned Rent Controller had come to the conclusion that the value is Rs.1,67,00,000/- . On this point, she pleaded that there is a material irregularity in the order passed by the learned Rent Controller and hence, it requires interference.

16. Per contra, Mr.T.Sezhian urges that the measurements for the apportioned area arrived at by the learned Rent Controller is perfectly justified as it is based on records. He further points out that the value of the land given by the landlord in the rent control petition is only an approximate figure and not conclusive. He states that he had examined the expert, who had produced Ex.P3 and hence, the value fixed on the basis of that document does not require any interference. He urges that being concurrent finding of facts, this Court should not interfere with the learned Rent Controller's order in exercise of the powers under Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act.



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17. I have carefully considered the submissions on both sides and have gone through the records.

18. As Mr.T.Sezhian has raised an objection as regards the scope of revision, I necessarily would have to address the same at this stage. A Constitutional Bench of the Supreme Court in ***Hindustan Petroleum Corpn. Ltd. v. Dilbahar Singh, (2014) 9 SCC 78*** dealt with the revisional powers of the High Court under the State Rent Acts. The Bench held that the Tamil Nadu Act 18 of 1960 does not confer on the revisional authority the power as wide as that of the Appellate Court. But it held that such a revisional power is wider than the scope of Section 115 of the Code of Civil Procedure. It further held that exercising revisional powers, the High Court should not convert the same into an appellate proceeding. It made it clear that the revisional court is not entitled to re-appreciate the evidence and substitute its own conclusion in the place of the conclusion of the courts below. Having come to this conclusion, the Supreme Court confirmed the judgment in ***Rukmini Amma Saradamma v. Kallyani Sulochana, (1993) 1 SCC 499***. It held that while dealing with the “legality”, “regularity” or “propriety” of the decision of the courts below, the revisional court is entitled to find out if the findings of fact recorded by the court or authority below are

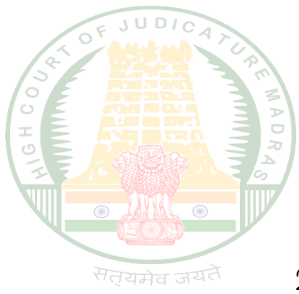


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according to law and do not suffer from any error of law. If there exist any misreading of evidence or overlooking and ignoring material evidence altogether, a revisional court can certainly interfere. Therefore, if this court were to find misappreciation of evidence, then certainly Section 25 can be utilized for the purpose of interference. Having decided my jurisdiction, I now proceed to deal with the merits of the case.

19. The issue relates to the jurisdiction of the learned Rent Controller while arriving at the land value. The fact that the landlord had claimed the value at Rs.1,00,00,000/- does not mean that the learned Rent Controller should accept that value. An application under Section 4 of the Rent control Act is akin to a proceeding under the erstwhile Land Acquisition Act, 1894 with respect to fixation of the value of the land. The landlady might claim high figure or might even claim a figure which is extremely low. The same would be the case of the tenant as well. However, it is the duty of the learned Rent Controller to arrive at a just and reasonable value for the petition mentioned premises. This duty is not dependent upon the claim made by the landlady or the denial by the tenant. It is an essential duty to be performed by the learned Rent Controller on the basis of the documents produced before it.



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20. In this case, two documents had been produced. One by landlord and another by tenants. The document produced by the landlord is of the year 2007, i.e., dated 22.03.2007 and the document produced by the tenant is four years earlier to the rent control petition namely 28.07.2004. Even with respect to the area, to which the documents Ex.P3, is situated in Gopalapuram which is closer to Peters Road where the demised premises are situated and Ex.R4 is at Buddi Begun Street in Triplicane, a locality situated further away. On this aspect, I do not find any error in the trial Court as well as appellate authority. They have considered the time period, area and the value of the land in a proper manner. Being concurrent findings of fact and as the appreciation of evidence has been proper, I am not inclined to interfere.

21. In view of the above, the civil revision petition is dismissed. No costs.

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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To

- 1.The VII Judge, Court of Small Causes, Chennai
- 2.The XI Court of Small Causes, Chennai.



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V.LAKSHMINARAYANAN, J.

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