



C.R.P.No.541 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.R.P.No.541 of 2025

1.S.Mathi John
2.S.Laya Ali
3.S.Samath
4.S.Mohammed Jinna
5.S.Azees Ali

... Petitioners

Vs.

Canara Bank
Rep by its Manager
90/56, Nelukkara Street
Annai Indiragandhi Salai
Periya Kancheepuram – 631 502

... Respondent

Prayer : Civil Revision Petition filed under Section 25 of the Tamilnadu (Buildings Lease and Rent Control) Act, 1960 to set aside the fair and decretal order dated 28.08.2024 passed in R.C.A.No.8 of 2015 on the file of the Rent Appellate Authority, Additional Subordinate Judge, Kancheepuram which confirms the decretal order passed in RCOP.No.7 of 2012 dated 28.09.2014 on the file of the Rent Controller District Munsif at Kancheepuram and humbly request this Hon'ble Court to fix the fair rent in accordance with the Engineer report and present guideline value.

For Petitioners : Mr.Haja Mohindeen Gisthi
For Respondent : Mr.R.Anbalagan



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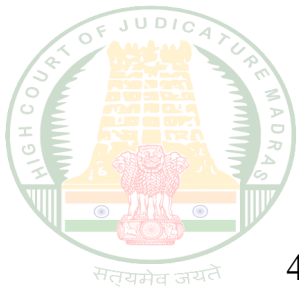
ORDER

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Challenging the impugned order passed by the learned Appellate Authority confirming the fair rent fixed by the learned Rent Controller, the present revision has been filed.

2. The rent controller has fixed the fair rent in RCOP.No.7 of 2012 to the tune of Rs.62,446.78 per month vide order dated 28.08.2014 which was challenged by the tenant in RCA.No.8 of 2015, however, the learned appellate authority set aside the order and remitted the matter once again to the learned Rent Controller which was challenged before this Court in CRP.No.736 of 2021. This Court vide order dated 21.03.2023 set aside the order of the appellate authority in RCA.No.8 of 2015 and remitted the matter back to the appellate authority for deciding the appeal on merits. The appellate authority has fixed the fair rent at Rs.62,446.78/-, in fact, virtually, the order of the rent controller has been confirmed. Challenging the said order, the present revision has been filed.

3. Heard both sides and perused the materials placed on record.



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4. The appellate authority while calculating the fair rent has taken note of the plinth area, assessed the commissioner report in this regard and also taken note of the valuation of the land and arrived at fair rent at Rs.1,19,457.91/-. The nature of depreciation given to the age of building at 30% also also does not suffer from any infirmity. The plinth area is 2838.49 sq.ft., market value of the land is fixed at 1,03,60,488.50/-, therefore, taking note of the age of the building as 20 years, depreciation is given as 30%; since, no cross appeal was filed by the landlord, finally fixed fair rent at Rs.62,446.78/- as fixed by the trial Court confirming the order of the trial Court. Such view of the matter, I do not find any infirmity in the orders of the Courts below in fixing the fair rent.

5. The contention raised by the bank that while appellate authority fixing the fair rent, possession was already handed over and premises is let out to third parties, such submission has no relevance at all. In fact, the trial court while fixing the fair rent has taken note of the entire aspects and fixed the fair rent, the same has been confirmed by the appellate authority by its order dated 28.08.2024. Therefore, mere delay before the Court and the contention that in the meanwhile tenant had vacated the premises will not



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have any relevance at all, since the fair rent was originally fixed by the learned Rent Controller in the year 2014.

6. Accordingly, I do not find any merits in this revision and the revision stands dismissed as devoid of merits. No costs. It is well open to the revision petitioner to recover the arrears of the amount as per law. The respondent counsel is also directed to inform the Bank to pay the differential amounts at-least for a period of three years till the premises was vacated.

21.07.2025

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Internet : Yes/No

Index : Yes/No

Neutral Citation : Yes/No



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To

1. The Rent Appellate Authority,
Additional Subordinate Judge, Kancheepuram

2. The Rent Controller District Munsif
Kancheepuram

3. The Section Officer,
VR Section,
High Court, Madras.



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N. SATHISH KUMAR, J.

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