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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

HRRP NO. 1496/1993

Between :

1. M. Asif
2. H. Suhaib Hussain Tariq
3. H. Fazal Rahim Mubeen

(All are sons of late P. Hassan)

4. Smt. Safia, w/o. P. H. Abdul Rahim
5. Smt. Naseema, w-o. M. A. Abdul Hameed
6. Smt. H. Zeenat, w/o. P. S. Mohammed
7. Smt. H. Zuleka Rehana, w/o. K. Mohammed

(Petitioners 4 to 7 are all daughters of late P. Hassan).

8. Smt. Kadeeja, w-o. late P. Hassan .. Petitioners

(All majors, residing at Asif Mahal, Mogral Puthur Village and post, Via: Kudlu, Kasargod, Kerala - 671128)

(Petitioner Nos. 2 to 8 are represented by the petitioner No. 1, their power of Attorney Holder M. Asif).

(By M/s. Hegde Associates - Adv.)

And :-

1. Smt. N. Krishnamma, w/o. late K. Muniswamappa, major, landlady, No. 17, V. S. Raju Road, Palace Guttahally, Bangalore - 20. .. Respondents

(By Sri. S. N. Keshava Murthy - Adv.)

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This CRP is filed under Sec.50 of the KRC Act, against the order dtd.10.8.1993 passed in HRD.(W)FR7/90 on the file of the House Rent and Accommodation Controller, West Range, Bangalore fixing the fair rent of Rs.4,000/-.

This CRP coming on for hearing this day, the Court made the following:

O R D E R

Petitioners herein are the tenants in respect of premises bearing No.12 situated at Majestic Circle, the heart of Bangalore City consisting of ground floor, I floor, II Floor, III Floor having a plingth area of 4000 sq.ft. During the relevant time, they were paying Rs.2,000/- as rent. Respondent No.1 who is the owner of the said premises, made an application under Sec.14 of the Karnataka Rent Control Act (Herein after referred to as THE ACT) for fixation of fair rent; This application was enquired into by the House Rent and Accommodation Controller after notifying the parties. The Rent Controller after hearing both the parties and taking into consideration Ex.P.5 which was the Property Tax Assessment Extract of the Corporation City of Bangalore for which ~~shop~~ the Corporation levied Rs.49500/- as Building Tax in respect of premises in question and also the report of the PWD Engineer which showed that the cost of construction of the building was Rs.8.57 lacs, and the prevailing

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market rent in the locality and fixed the fair rent at Rs.4,000/- per month.

2. It is undisputed that the premises was constructed during the year 1967-68 and if the building is constructed after the year 1947, Sec.14(6) of the act provides the guidelines. By looking at the order of the Rent Controller, it is clear that he has taken into account, the rental value of the premises as entered in the Property Tax Assessments and also the cost of construction and the prevailing market rate. Nothing is shown how the order is fallacious.

3. There is no reason to interfere with the order of the Rent Controller. Petition lacks merit. Petition dismissed.

Sd/-
JUDGE

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