



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**CRP No. 5063 of 2025
and CMP No.25531 of 2025**

1. Manjula Prabhakaran
W/o. Prabhakaran, No.47, Soorammal
Street, Egmore, Chennai-600 008. Currently
Res.at At. No. 15/17, Anna 3rd Street,
Thirumullaivoyal Chennai-62.

Petitioner(s)

Vs

1. M.D.Kasthuri
39, Diwan Rama Road, Purasaiwalkam,
Chennai-600 084.

2.G.N.Varalakshmi
39, Diwan Rama Road, Purasaiwalkam,
Chennai-600 084.

3.M.D.Rajkumar
39, Diwan Rama Road, Purasaiwalkam,
Chennai-600 084.

4.M.D.Balaji
39, Diwan Rama Road, Purasaiwalkam,
Chennai-600 084.

5.The Accommodation Controller
The Collector of Chennai, Collectorate,
Rajaji Salai, Chennai-01.

Respondent(s)

For Petitioner(s): Mr.Rishi Ahuja



For Respondent(s): Mr.C.Jagadish for R.1 to R.4
 Mr.A.Anandan
 Govt.Advocate
 For R.5

ORDER

Heard Mr.Rishi Ahuja, learned counsel for the petitioner and Mr.C.Jagadish for the respondents 1 to 4 and Mr.A.Anandan, learned Government Advocate for the fifth respondent/accommodation controller.

2. The primordial contention of the revision petitioner/tenant is that fair rent has already been fixed for the tenanted premises and the second fair rent petition is not maintainable. This Court thought it fit to give opportunity to the tenant by producing necessary records relating to the earlier rent control proceedings, where it is claimed that fair rent was fixed for the very same premises. However, it appears that records could not be produced and despite the order of this court giving an opportunity, the opportunity could not be effectively availed of.

3. The petitioner thereafter took out M.P No.4 of 2024 for a direction to the Accommodation Controller to produce the records pertaining to the earlier round of fixation of fair rent in RCOP Nos.4144 of 1983 and RCA No.1162 of 1985. The learned appellate authority has dismissed the applications as against which, the present revision



has been filed.

4. Though the learned counsel for the petitioner would advance arguments on the line that the respondents were not entitled to even categorise themselves as landlords, I do not find that any such contention has been raised in the earlier proceedings and it is not open to the petitioner to now contend that the respondents are not landlords and therefore RCOP is not maintainable.

5. In fact, learned counsel for the respondents/landlords submits that there is a categorical admission made by the revision petitioner herself that she has been paying rents to the father of the respondents 2 to 4. In this regard, the appellate authority has rightly held that the petitioner is estopped from now taking a contrary to the stand. However, with regard to the records in RCOP No.4144 of 1983 and RCA No.1162 of 1985, I find force in the submission of the learned counsel for the petitioner since if fair rent has already been fixed after the commencement of the Amendment Act 23 of 1973, under Section 5, there is a bar for second petition for fixation of fair rent. Now that the Accommodation Controller is a party in the appeal as well as in the revision, I direct Mr.A.Anandan, learned Government Advocate to verify whether the necessary records pertaining to RCOP No.4144 of 1983 and RCA No.1162 of 1985 are available on the file of the fifth respondent and if available, the same shall be produced before this Court.



P.B.BALAJI.,J

sr

6. It is made clear that the records shall be produced in original.

7. Post the revision on 18.02.2026. The interim order already granted is extended till then.

09.02.2026

sr

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