

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.Nos.22858, 22859, 22862 & 22864 of 2003
and

W.P.M.P.Nos.28259, 28260, 28261, 28262, 28269,
28270, 28271, 28275 to 28277 of 2003

W.P.No.22858 of 2003

D.Jawahar Mangalakaran ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary to Govt.
Housing & Urban Development Dept.
Fort St. George, Chennai -9.

2.The Managing Director
The Tamilnadu Housing Board
493, Anna Salai, Chennai 600 035.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in G.O.Ms.No.210 Housing & Urban Development (Viva 5(1) Department dated 21.8.2002 and quash the same and forbear the respondents from taking further proceedings pursuant to the above Government order by demanding increased rent and evicting the petitioner from the premises in Flat No.B2, 28, Oliver Road, Mylapore, Chennai - 4.

For Petitioner : M/s.T.S.Baskaran

For Respondents : Mr.S.Kamalesh Kannan,
Govt. Advocate[For R1]
Mr.C.Ramkumar for
Mr.V.Anandamoorthy [For R2]

W.P.No.22859 of 2003
D.John Martin

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary to Govt.
Housing & Urban Development Dept.
Fort St. George, Chennai -9.

2.The Managing Director
The Tamilnadu Housing Board
493, Anna Salai, Chennai 600 035.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in G.O.Ms.No.210 Housing & Urban Development (Viva 5(1) Department dated 21.8.2002 and quash the same and forbear the respondents from taking further proceedings pursuant to the above Government order by demanding increased rent and evicting the petitioner from the premises in Flat No.A6, 28 (Old No.34), Oliver Road, Mylapore, Chennai - 4.

For Petitioner : M/s.T.S.Baskaran

For Respondents : Mr.S.Kamalesh Kannan,
Govt. Advocate[For R1]
Mr.C.Ramkumar for
Mr.V.Anandamoorthy [For R2]

W.P.No.22862 of 2003
T.Vellaichamy

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary to Govt.
Housing & Urban Development Dept.
Fort St. George, Chennai -9.

2.The Managing Director
The Tamilnadu Housing Board
493, Anna Salai, Chennai 600 035.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in G.O.Ms.No.210 Housing & Urban Development (Viva 5(1) Department dated 21.8.2002 and quash the same and forbear the respondents from taking further proceedings pursuant to the above Government order by demanding increased rent and evicting the petitioner from the premises in Flat No.A4, 28 (Old No.34), Oliver Road, Mylapore, Chennai - 4.

For Petitioner : M/s.T.S.Baskaran

For Respondents : Mr.S.Kamalesh Kannan,
Govt. Advocate[For R1]
Mr.C.Ramkumar for
Mr.V.Anandamoorthy [For R2]

W.P.No.22864 of 2003

R.Sakthivelu ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by Secretary to Govt.
Housing & Urban Development Dept.
Fort St. George, Chennai -9.

2.The Managing Director
The Tamilnadu Housing Board
493, Anna Salai, Chennai 600 035.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in G.O.Ms.No.210 Housing & Urban Development (Viva 5(1) Department dated 21.8.2002 and quash the same and forbear the respondents from taking further proceedings pursuant to the above Government order by demanding increased rent and evicting the petitioner from the premises in Flat No.B1, 28 (Old No.34), Oliver Road, Mylapore, Chennai - 4.

For Petitioner : M/s.T.S.Baskaran

For Respondents : Mr.S.Kamalesh Kannan
Govt. Advocate[For R1]
Mr.C.Ramkumar
For Mr.V.Anandamoorthy [For R2]

C O M M O N O R D E R

The petitioners in these writ petitions are tenants of the premises belonging to the Tamil Nadu Housing Board bearing Flat Nos.B2, A6, A4 and B3, at No.28 (Old No.34), Oliver Road, Mylapore, Chennai - 600 004. The respondents had fixed the rent for the occupation of the premises on the basis of G.O.Ms.No.210 Housing & Urban Development (Viva 5(1) Department dated 21.8.2002 issued by the Government of Tamil Nadu. The fixation of rent in that Governmental order was challenged in a batch of writ petitions against which Writ Appeals bearing W.A.No.3293 of 2002 etc., batch was preferred before the Division Bench of this court. A Retired District Judge was appointed as Commissioner in those proceedings to inspect all the places where the flats belonging to the Tamil Nadu Housing Board are situated to ascertain the correctness of the rate of rent fixed. Relying on the report filed by that Commissioner, the Hon'ble Division Bench of this court in the order dated 15.06.2006 the following directions had been issued:-

- (1) The increased rate of rent shall be fixed at Rs.2.50 per sq.ft. in respect of flats in City of Chennai, except at Cox Square Colony at Chintadripet, since, as mentioned by the Advocate Commissioner, all flats are situated in prime area in the City of Chennai.
- (2) The increased rate of rent shall be fixed at 1.50 per st.ft. for Cox Square area, since it is situated adjacent to slum area and Coovum River.
- (3) The increased rate of rent shall be fixed at Rs.3.00 per sq.ft for all individual houses in Chennai city.
- (4) The increased rate of rent shall be fixed at Rs.1.50 per sq.ft. for moffusil area.

2.It is accepted by the counsel appearing for both sides that the petitioners in these writ petitions are covered by the aforesaid directions issued by the Hon'ble Division Bench of this Court.

3.It is informed by C.Ram Kumar, representing Mr.V.Anandamoorthy, learned Standing Counsel for the Housing Board that the petitioners continue to be in occupation of the premises and they have been paying the rent in terms of the

aforesaid directions issued by this court and there are no arrears due as on date.

4.Recording the same, these writ petitions are disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Govt.
Housing & Urban Development Dept.
Fort St. George, Chennai -9.

2.The Managing Director
The Tamilnadu Housing Board
493, Anna Salai, Chennai 600 035.

+1cc to Mr.V.Anandhamurthy, Advocate, S.R.No.41073

+4cc to Mr.T.S.Baskaran, Advocate, S.R.No.41076,41077,41080,41082

W.P.Nos.22858, 22859,
22862 & 22864 of 2003

SSI(CO)
GSP(25/07/2018)

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