



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26919, 27648 to 27655, 27998 to 28002, 28024 to 28029, 28076, 28474, 28587, 28822, 29244, 29577 to 29583, 29638, 30237 to 30246, 30951 to 30958, 32551, 32554, 32621 to 32623, 32940 to 32944, 33069 to 33072, 33577 & 33578, 33585 & 33586, 33710 to 33712, 33713 & 33714, 33715 to 33717, 34012 of 2017 and W.P.Nos.216, 386, 859 to 864, 1720, 1721, 1811, 3012, 3436, 4861, 5289 to 5292, 5296 & 5297, 5345 to 5347, 6109, 6110, 6220, 9594 of 2018

and

W.M.P.Nos.28693 to 28695, 29577 to 29600, 30039 to 30053, 30079 to 30096, 30159 to 30161, 30579 to 30581, 30753 to 30755, 31022 to 31024, 31500 to 31502, 31841 to 31861, 31928 & 31929, 32930 to 32959, 33868 to 33891, 35880 to 35882, 35885 & 35886, 35952 to 35960, 36313 to 36327, 36482 to 36493, 37107 to 37112, 37134 to 37139, 37332 to 37340, 37341 to 37346, 37347 to 37355, 37728 to 37730 of 2017 and W.M.P.Nos.290 & 291, 440 & 441, 1024 to 1041, 2144, 2145 & 2146, 2229 & 2230, 3676 to 3678, 4204 & 4205, 5994 & 5995, 6493 to 6504, 6516 to 6521, 6558 to 6566, 7530, 7531 & 7532, 7701 & 7702, 11516 to 11518 of 2018

P.BALAMURUGAN	... PETITIONER in WP No.26919 of 2017
C.RAVI	... PETITIONER in WP No.27648 of 2017
C.SHANTHI	... PETITIONER in WP No.27649 of 2017
V.THAYUMANASAMY	... PETITIONER in WP No.27650 of 2017
KUMARESAN	... PETITIONER in WP No.27651 of 2017
S.UMAMAHESWARI	... PETITIONER in WP No.27652 of 2017
JAMUNA RANI	... PETITIONER in WP No.27653 of 2017
A.MURUGAIYAH	... PETITIONER in WP No.27654 of 2017
S.SIVANANDAM	... PETITIONER in WP No.27655 of 2017
D.THOMAS	... PETITIONER in WP No.27998 of 2017
S.G.DHARMA RAJ	... PETITIONER in WP No.27999 of 2017



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N.VEERA KUMAR

R.MOHANA KRISHNA RAO

R.SRI MATHI

S.KAVITHA

S.SELVAMANI

G.SARASWATHY

KAVITHA MEENA

P.PALANI DURAICHI

M.BASKAR

1.R.SUSILA

2.M.LAKSHMI

3.R.VANITHA

4.N.PURUSOTHAMAN

5.C.ARUMUGAM

6.V.NANDHINI

7.G.PUSHPARANI

8.V.VADIVEL

9.E.VARADHAN

10.A.RAVI

11.D.DEVI

12.K.MAGESH

13.G.ELANGO

14.V.GEETHA KRISHNAN

15.A.POWLINE

16.S.SUMATHI

... PETITIONER in WP No.28000 of 2017

... PETITIONER in WP No.28001 of 2017

... PETITIONER in WP No.28002 of 2017

... PETITIONER in WP No.28024 of 2017

... PETITIONER in WP No.28025 of 2017

... PETITIONER in WP No.28026 of 2017

... PETITIONER in WP No.28027 of 2017

... PETITIONER in WP No.28028 of 2017

... PETITIONER in WP No.28029 of 2017



17.K.A.PAUL

18.P.SUJATHA

19.S.INDIRA DEVI

20.S.KANNAN

21.A.KARTHIKEYAN

22.S.VISWANATHAN

23.M.KAMALAKANNAN

24.G.MANOCHARAN

25.J.JAYAGANESH

26.M.SELVAKUMAR

27.G.SARGUNAN

28.S.PUGAZHENDHI

29.S.INDIRA

30.R.RAJENDIRAN

31.D.MOHAN

32.S.RAMAKRISHNAN

33.J.P.SENTHILKUMAR

34.K.SABEENA

35.M.GOPI

36.A.NAARAJAN

37.E.PRATHIBA

38.V.KUMAR

39.V.DINASEKARAN

40.R.ARAVINDAN

41.M.BABU RAO



42.MUKAVAI METHA

43.C.SIVANANDAM

44.KAUSALYA

T.PARAMASIVAM

V. SHANTHI

K.KAMATCHI

... PETITIONERS in WP No.28076 of 2017

... PETITIONER in WP No.28474 of 2017

... PETITIONER in WP No.28587 of 2017

... PETITIONER in WP No.28822 of 2017

(AMENDED AS PER ORDER DATED 14/11/17
by KRCBJ in WMPs. 31256 to 31259 OF 2017
in WP 28827 OF 2017)

SUMATHI SREE

THIRUKUMARAN

A.SIVA SANKAR

V.VIJAYA

V.ASHOK KUMAR

T.S.MUTHUSELVAN

A.RATHINAMBAL

S.TAMILSELVI

1. M.GOPINATHAN

2. K.SAKTHIVEL

3. S.SIVAKUMAR

4. N.PORSELVI

... PETITIONER in WP No.29244 of 2017

... PETITIONER in WP No.29577 of 2017

... PETITIONER in WP No.29578 of 2017

... PETITIONER in WP No.29579 of 2017

... PETITIONER in WP No.29580 of 2017

... PETITIONER in WP No.29581 of 2017

... PETITIONER in WP No.29582 of 2017

... PETITIONER in WP No.29583 of 2017

...PETITIONERS in WP No.29638 of 2017

R.SHANMUGAM

P.SURIYA KUMAR

INDRA

D.REVATHI

D.JAISHANKAR

... PETITIONER in WP No.30237 of 2017

... PETITIONER in WP No.30238 of 2017

... PETITIONER in WP No.30239 of 2017

... PETITIONER in WP No.30240 of 2017

... PETITIONER in WP No.30241 of 2017



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T.D.VASANTHA

M.MEENAKSHI

S.CHITTI BABU

G.ELAVARASI

GIRIJA

M.GEETHALAKSHMI

L.NEDUMARAN

L.P.MOHAN KRISHNA

K.P.SWAMINATHAN

A.SULOCHANA ARUN

P.UMA

KUMAR

L.SAKUNTALA

M.D.SANJEEVI

K.NITHIYANANDAN

R.CHINNA KRISHNAN

G.RAVICHANDRAN

A.SENTHIL KUMAR

K.JAYALAKSHMI

R.PORKODI

S.BALAMURUGAN

K.CHITRA

S.RAMA THILAGAM

D.CHEZHIAN

S.SELVARAJ

... PETITIONER in WP No.30242 of 2017

... PETITIONER in WP No.30243 of 2017

... PETITIONER in WP No.30244 of 2017

... PETITIONER in WP No.30245 of 2017

... PETITIONER in WP No.30246 of 2017

... PETITIONER in WP No.30951 of 2017

... PETITIONER in WP No.30952 of 2017

... PETITIONER in WP No.30953 of 2017

... PETITIONER in WP No.30954 of 2017

... PETITIONER in WP No.30955 of 2017

... PETITIONER in WP No.30956 of 2017

... PETITIONER in WP No.30957 of 2017

... PETITIONER in WP No.30958 of 2017

... PETITIONER in WP No.32551 of 2017

... PETITIONER in WP No.32554 of 2017

... PETITIONER in WP No.32621 of 2017

... PETITIONER in WP No.32622 of 2017

... PETITIONER in WP No.32623 of 2017

... PETITIONER in WP No.32940 of 2017

... PETITIONER in WP No.32941 of 2017

... PETITIONER in WP No.32942 of 2017

... PETITIONER in WP No.32943 of 2017

... PETITIONER in WP No.32944 of 2017

... PETITIONER in WP No.33069 of 2017

... PETITIONER in WP No.33070 of 2017



M.NALLATHAI

... PETITIONER in WP No.33071 of 2017

B.DURAIMURUGAN

... PETITIONER in WP No.33072 of 2017

A.MARUTHAVINAYAGAM

... PETITIONER in WP No.33577 of 2017

L.VENKATACHALAM

... PETITIONER in WP No.33578 of 2017

B.MURTHY

... PETITIONER in WP No.33585 of 2017

V.DEVARAJ

... PETITIONER in WP No.33586 of 2017

PALANIAMMAL

... PETITIONER in WP No.33710 of 2017

LAKSHMI CHANDRAKALA

... PETITIONER in WP No.33711 of 2017

THIRU.E.ELAMBARATHI

... PETITIONER in WP No.33712 of 2017

G.RAVICHANDRAN

... PETITIONER in WP No.33713 of 2017

L.SARANYA

... PETITIONER in WP No.33714 of 2017

D.TAMILSELVAN

... PETITIONER in WP No.33715 of 2017

KALVIKARASI

... PETITIONER in WP No.33716 of 2017

S.PRABAKARAN

... PETITIONER in WP No.33717 of 2017

S.DHANALAKSHMI

... PETITIONER in WP No.34012 of 2017

S.VISHWANATHAN

... PETITIONER in WP No.216 of 2018

1.K.V.N.SATHYAMOORTHY

2.R.KARUPPAIAH

3.S.EASWARI

4.J.TAMILSELVAN

5.D.MANIMEGALAI

6.V.GANESAN

...PETITIONERS in WP No.386 of 2018

V.KUMARARAJA

... PETITIONER in WP No.859 of 2018

M.GANESAN

... PETITIONER in WP No.860 of 2018

R.S.KARTHIKEYAN

... PETITIONER in WP No.861 of 2018



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V.PREMA

K.KARTHICK KUMAR

C.RAJESWARI

B.KARTHICK

M.CHITRA

S.REVATHI

R.KASTHURI

1.S.NALINASUNDARI

2.P.SARAVANAN

3.C.BALAMURUGAN

4.V.RAMESH

M.NIRMALA

C.JIMHERALD

S.RUPAVATHI

S.PRIYADHARSHINI

P.RAVI SANKAR

V.BOSE

B.MANIMEGALAI

N.R.THANGAMANI

RAMALEKSHMI

R.GAYATHRI

K.SENDURPANDI

HEMALATHA

K.MATHIAZHAGAN

M.LEENA JOSEPHINE

... PETITIONER in WP No.862 of 2018

... PETITIONER in WP No.863 of 2018

... PETITIONER in WP No.864 of 2018

... PETITIONER in WP No.1720 of 2018

... PETITIONER in WP No.1721 of 2018

... PETITIONER in WP No.1811 of 2018

... PETITIONER in WP No.3012 of 2018

...PETITIONERS in WP No.3436 of 2018

... PETITIONER in WP No.4861 of 2018

... PETITIONER in WP No.5289 of 2018

... PETITIONER in WP No.5290 of 2018

... PETITIONER in WP No.5291 of 2018

... PETITIONER in WP No.5292 of 2018

... PETITIONER in WP No.5296 of 2018

... PETITIONER in WP No.5297 of 2018

... PETITIONER in WP No.5345 of 2018

... PETITIONER in WP No.5346 of 2018

... PETITIONER in WP No.5347 of 2018

... PETITIONER in WP No.6109 of 2018

... PETITIONER in WP No.6110 of 2018

... PETITIONER in WP No.6220 of 2018

... PETITIONER in WP No.9594 of 2018



VS

1

STATE OF TAMIL NADU
REP. BY THE SECRETARY TO GOVERNMENT
HOUSING AND URBAN DEVELOPMENT,
(HB5-2) DEPARTMENT
SECRETARIAT FORT ST.GEORGE
CHENNAI 600 009

... R1 in WP.Nos.26919, 27648 to 27655, 27998 to 28002, 28024 to 28029, 28076, 28474, 28587, 28822, 29244, 29577 to 29583, 29638, 30237 to 30246, 30951 to 30958, 32551, 32554, 32621 to 32623, 32940 to 32944, 33069 to 33072, 33577, 33578, 33585, 33586, 33710 to 33712, 33713, 33714, 33715 to 33717, 34012 of 2017, 216 of 2018, 386 of 2018, 859 to 864 of 2018, 1720; 1721 of 2018, 3012, 3436, 5289 to 5292, 5296, 5297, 5345 to 5347 & 9594 of 2018

2

THE TAMILNADU HOUSING BOARD
REP.BY ITS MANAGING DIRECTOR
PATTINAMPAKKAM DIVISION, ANNA SALAI
NANDANAM, CHENNAI 600 035

... R2 in WP.Nos.26919, 27648 to 27655, 27998 to 28002, 28024 to 28029, 28076, 28474, 28587, 28822, 29244, 29577 to 29583, 30237 to 30246, 30951 to 30958, 32551 of 2017

THE PRINCIPAL SECRETARY,
HOUSING & URBAN DEVELOPMENT DEPARTMENT,
GOVERNMENT OF TAMIL NADU,
FORT ST.GEORGE, CHENNAI-9.

.. R1 in WP.4861 of 2018

THE EXECUTIVE ENGINEER AND
ADMINISTRATIVE OFFICER,
NANDANAM DIVISION,
TAMIL NADU HOUSING BOARD, CHENNAI-35

.. R3 in Wps.27648 to 27655 of 2017, 27998 to 28002, 28024 to 28029, 28474, 28822, 32551, 34012 of 2017 & 9594 of 2018



THE SUPERINTENDING ENGINEER,
TAMIL NADU HOUSING BOARD,
FORESHORE ESTATE DIVISION,
ANNASALAI, NANDANAM-600 035

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.. R2 in WP.1720 & 1721 of 2018; 4861 of 2018

THE EXECUTIVE ENGINEER AND
ADMINISTRATIVE OFFICER
TAMIL NADU HOUSING BOARD,
THIRUMANGALAM, CHENNAI-101

.. R3 in Wps.29244 of 2017, 216 of 2018, 3012 of 2018

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS CHAIRMAN,
NO.493, ANNA SALAI, NANDANAM,
CHENNAI-35

.. R2 in WP.No.1811 of 2018, 6109 of 2018, 6110 of 2018

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS MANAGING DIRECTOR,
493, ANNA SALAI, NANDANAM,
CHENNAI-35.

.. R2 in WP.29638, 32554, 34012 of 2017,
216 of 2018; 386 of 2018; 859 to 864 of
2018; 3436 & 9594 of 2018

THE STATE OF TAMIL NADU,
SECRETARY TO GOVERNMENT,
HOUSING & URBAN DEVELOPMENT DEPARTMENT,
FORT ST.GEORGE, CHENNAI-9.

.. R1 in WP.No.1811 of 2018, 6109,
6110 of 2018, 6220 of 2018

THE TAMILNADU HOUSING BOARD,
REP.BY ITS CHIEF REVENUE OFFICER,
NO.493, ANNA SALAI, NANDANAM,
CHENNAI-35

.. R2 in WP.Nos.32621 to 32623, 32940 to
32944, 33069 to 33072, 33577, 33578,
33585, 33586, 33710 to 33713, 33714,
33715 to 33717 of 2017, 3012 of 2018,
5289 to 5292, 5345 to 5347, 6220 of 2018



THE TAMILNADU HOUSING BOARD,
REP.BY ITS EXECUTIVE ENGINEER,
ANNA NAGAR DIVISION,
THIRUMANGALAM, CHENNAI-101.

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.. R2 in WP.32622 of 2017

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS EXECUTIVE ENGINEER,
PATTINAMPAKKAM DIVISION,
ANNA SALAI, NANDANAM, CHENNAI-35

.. R3 in Wps.32631, 32623, 33069 to
33072, 33577, 33578, 33585, 33586,
33710 to 33712, 33713, 33714, 33715 to
33717 of 2017, 5297 of 2018

THE EXECUTIVE ENGINEER AND
ADMINISTRATIVE OFFICER,
ANNA NAGAR DIVISION,
TAMIL NADU HOUSING BOARD,
CHENNAI-600 040

.. R3 in WP.Nos.859 to 864 of 2018

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS EXECUTIVE ENGINEER,
K.K.NAGAR DIVISION,
ANNASALAI, NANDANAM, CHENNAI-35.

.. R3 in WP.No.5289 of 2018

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS EXECUTIVE ENGINEER,
FORESHORE ESTATE DIVISION,
ANNA SALAI, NANDANAM, CHENNAI-35

.. R3 in WP.5290 & 5291 of 2018, 5296, 5345, 5347 of 2018

THE TAMIL NADU HOUSING BOARD,
REP.BY ITS THE EXECUTIVE ENGINEER,
ANNA NAGAR DIVISION,
THIRUMANGALAM, CHENNAI-101.

.. R3 in WP.5292 of 2018, 5346 of 2018



Prayers:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari mandamus, to call for the records of the respondents in G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the covering Letter No.Va.Va.P.1/46173/2010 dated 07.07.2017 and the consequential demand Letter No.P.Pa.Ko/00029/2017 dated 27.07.2017 and quash the same and direct the respondents to receive Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/-, Rs.1,438/- every month as rent for the petitioners tenanted premises situated at Flat No.8/1, 18/5, 11/10, 12/8, 1/13, 6/2, 14/3, 10/21, 10/24 respectively Peters Colony, Peters Road, Royapettah, Chennai 600 014. (in WP.Nos.26919, 28587, 29577 to 29583 of 2017)

calling for the records on the file of the first respondent in G.O.Ms.118 dated 04.07.2017 Housing and Urban Development (HB5-2) Department and the consequential letter No.NTR7/1163/2017 dated 18.09.2017 and letter No.NTR7/1163/2017 dated 25.07.2017 passed by 3rd respondent and quash the same. (in WP No.27648 to 27655; 27998 to 28002 of 2017)

calling for the records on the file of the first respondent in G.O.Ms.118 dated 4.7.2017 Housing and Urban Development (HB5-2) Department and the consequential letter No.NTR7/1163/2017 dated 25.07.2017 and letter No.NTR7/1163/2017 dated 18.09.2017 passed by 3rd respondent and quash the same. (in WP.Nos.28024 to 28029 & 28474 of 2017)

calling for the records of the 1st Respondent in G.O.Ms. No.118, Housing and Urban Development (HB5-2) Department, dated 04.07.2017 and quash the same and consequently forbear the 2nd Respondent from demanding enhanced rent on the basis of G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department, dated 04.07.2017 (in WP.Nos.28076, 29638, 32554 of 2017, 386 & 3436 of 2018)

calling for the records on the file of the first respondent in G.O.Ms.118 Housing and Urban Development (HB5-2) Department and the consequential letter No.CIDNK/A1/473/ 2017 dated 19.07.2017 passed by 3rd respondent and quash the same. (in WP No.28822 of 2017)



calling for the records on the file of the first respondent in G.O.Ms.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and consequential Letter.No.AND2/2243/2017 dated 03.11.2017, 09.10.2017, 29.08.2017, 29.08.2017, 29.08.2017, 08.09.2017, 08.09.2017 respectively passed by the 3rd respondent quash the same (in WP.Nos.29244 of 2017, 859 to 864 of 2018)

to call for the records of the 1st respondent G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the 2nd respondent covering Letter No.Va.Va.P.1/46173/ 2010 dated 07.07.2017 and the consequential demand Letter No.P.Pa.Ko/ 00029/2017 dated 27.07.2017 and quash the same and direct the respondents to receive Rs.1438/-, 938/-, 1438/-, 1438/-, 1438/-, 1438/-, 1438/-, 1438/-, 1438/-, 1438/-, 938/-, 963/-, 1438/-, 938/- every month as rent for the petitioners tenanted premises situated at Flat No.21/15, 3/7, 5/12, 12/12, 6/7, 18/6, 7/2, 7/7, 17/9, 16/12, 10/8, 3/2, 3/11, 5/1, 21/16, 3/8 respectively Peters Colony, Peters Road, Royapettah, Chennai 600 014.(in WP.Nos.30237 to 30243, 30245, 30246 of 2017, 30952 to 30958 of 2017)

To call for the records of the 1st respondent in G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the 2nd respondent covering Letter No. Va.Va.P.1/46173/ 2010 dated 07.07.2017 and the consequential Demand Letter No. P.Pa.Ko/ 00029/ 2017 dated 07.08.2017 and quash the same and direct the respondents to receive Rs.2797/- every month as rent for the petitioners tenanted premises situated at H.No.HIG-2, TNHB Quarters, May Flower Garden, Raja Annamalaipuram Scheme, Chennai-28. (in WP.No.30244 of 2017)

To call for the records of the 1st Respondent G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 4.7.2017 and the 2nd Respondent covering Letter No. Va. Va. P.1/46173/2010 dated 7.7.2017 and the consequential Demand Letter No. P. Pa. Ko/ 00029/ 2017 dated 7.8.2017 and quash the same and direct the Respondents to receive Rs.2300/- every month as rent for the petitioners tenanted premises situated at H. No. HIG-4, TNHB Quarters, Srivasa Avenue Road, Raja Annamalaipuram Scheme, Chennai 28 (in WP.Nos.30951 of 2017)

calling for the records on the file of the first respondent in G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department and the consequential letter No.P.Pa. Ko./00029/ 2017 dated 27.07.2017 passed by 3rd respondent quash the same. (in WP No.32551 of 2017 and WP.No.34012 of 2017)



To call for the records of the first respondent G.O.Ms.No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the second respondent covering Letter No.Va.Va.P.1/46173/2110 dated 07.07.2017 and the consequential third respondent Demand Letter No.P.Pa.Ko/00029/2017 dated 27.07.2017 and quash the same and direct the respondents to receive Rs.938/-, 1438/-, 1438/- 1438/- 1438/-, 1438/-, 938/-, 1438/-, 2127/-, 1438/-, 938/-, 938/-, 1438/-, 1438/-, 1438/-, 1440/-, 1319/-, 1438/-, 1438/-, 1438/-, 1438/-, 1438/-, 1039/-, & 1438/- every month as rent for the petitioners tenanted premises situated at Flat No.20/8, 17/14, 2/8, 6/10, 13/15, 7/8, 3/1, 7/17, 7/24, 17/11, 20/13, 20/4, 19/15, 2/11, 11/13, 8/6, 21/6, 19/9, 8/11, 1/8, 13/8, 15/5, 3/17 & 21/4 respectively Peters Colony, Peters Road, Royapettah, Chennai-600 014 (in WP.Nos.32621, 32623, 32940, 32943, 32944, 33069 to 33071, 33577, 33578, 33585, 33586, 33710 to 33717 of 2017 & 5296, 5297 & 5345 & 5347 of 2018)

To call for the records of the first respondent G.O.Ms.No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the second respondent covering Letter No.Va.Va.P.1/46173/2110 dated 07.07.2017 and the consequential third respondent Demand Letter No.AND.2/2243/2017 dated 29.08.2017 and quash the same and direct the respondents to receive Rs.1728/-, 1538/-, 1538/- every month as rent for the petitioners tenanted premises situated at Flat No.461/2, 7th Main Road, TNHB, Anna Nagar, Shanthi Colony, Chennai-600 040, Flat.No.Q3, TNHB Quarters, Flat NO.Q4, TNHB Quarters, Inner Circular Road, Kilpauk Garden, Kilpauk, Chennai-10 respectively (in WP.Nos.32622 of 2017, 5292 & 5346 of 2018)

To call for the records of the first respondent G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the second respondent covering Letter No.Va. Va.P.1/ 46173/ 2010 dated 07.07.2017 and the consequential third respondent Demand Letter No.S.P.D./A1/ 77/ 14 dated 24.07.2017 and quash the same and direct the respondents to receive Rs.4325/- every month as rent for the petitioners tenanted premises situated at H.No.A-32, Taylors Road Colony, Kilpauk, Chennai-600 010 (in WP.Nos.32941, 32942 of 2017)

To call for the records of the first respondent G.O.Ms.No.118 Housing and Urban Development (HB5-2) Department, dated 04.07.2017 and the second respondent covering Letter No.Va.Va.P.1/46173/2010 dated 07.07.2017 and the consequential third respondent Demand Letter No. P.Pa.Ko/00029/2017 dated 07.08.2017 and quash the same and direct the respondents to



receive Rs.2300/- every month as rent for the petitioners tenanted premises situated at House No. HIG-1, TNHB Quarters, Raja Annamalaipuram Scheme, Chennai 600 028 (in WP.Nos.33072 of 2017)

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calling for the records of the 1st respondent in G.O.Ms.No.118 Housing and Urban Development (HB5-2) Department, dated 04.07.2017 and quash the same and consequently forbear the 2nd and 3rd respondent from demanding enhanced rent on the basis of G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department, dated 04.07.2017 (in WP.No.216 of 2018)

calling for the records relating to the order impugned dated 27.07.2017 of respondent No.2, in his Letter No.Pa.Paa.Ko/00029/2017 & Letter No.Pa.Paa.Ko/00029/2017 made on the strength of Government order in G.O.ms. No.118 Housing and Urban Development Department dated 04.07.2007 and quash the same and consequentially direct the respondents to collect the admitted rents at the rate of sum of Rs.1825 per month. (in WP.Nos.1720, 1721 of 2018, 4861 of 2018)

call for the records pertaining to the Government Order No.118 dated 4.7.2017 (HB5-2) on the file of Housing and Urban Development Department Viz. 1st respondent herein and consequent order passed by Housing Board Va.Va. B.No.1/46173/2010 dated 7.7.2017 passed by the 2nd respondents herein and quash the same (in WP.No.1811 of 2018)

To call for the records of the 1st respondent in G.O.Ms.No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the covering Letter No.Va.Va. P1/46173/2010 dated 07.07.2017 by the 2nd respondent and the consequential Demand Letter No. AND 2/2243 /2017 dated 29.08.2017 passed by the 3rd respondent and quash the same and direct the respondents to receive Rs.1730/- every month as rent for the petitioners tenanted premises situated at Flat No.453/3, T.N.H.B Quarters, 7th Main Road, Shanthi Colony, Anna Nagar, Chennai-600 040. (in WP.No.3012 of 2018)

To call for the records of the first respondent G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the second respondent covering Letter No.Va.Va. P.1/ 46173/ 2010 dated 07.07.2017 and the consequential third respondent Demand letter No.K.K.Na.B7/2374/2017 dated 28.08.2017



and quash the same and direct the respondents to receive Rs.1508/-every month as rent for the petitioners tenanted premises situated at Flat No.D-6, Ashoka Colony, Kodambakkam, Pudur, Ashok Nagar, Chennai-600 083 (in WP.Nos.5289 of 2018)

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To call for the records of the first respondent G.O.Ms. No.118 Housing and Urban Development (HB5-2) Department dated 04.07.2017 and the second respondent covering Letter No.Va.Va. P.1/ 46173/ 2010 dated 07.07.2017 and the consequential third respondent Demand letter No.P.Pa.Ko. 00029/ 2017 dated 27.07.2017 and quash the same and direct the respondents to receive Rs.1438/-, 1438/-, every month as rent for the petitioners tenanted premises situated at Flat No.8/16, Peters Colony, Peters Road, Royapettah, Chennai-600 014. (in WP.Nos.5290, 5291 of 2018)

To Call for the records pertaining to the Government Order No.118 dated 4.7.2017 (HB5-2) on the file of Housing and Urban Development Department viz. 1st respondent herein and consequent order passed by Housing Board Va.Va.B1/ 46173/2010 dated 7.7.2017 passed by the 2nd respondents herein and quash the same. (in WP.Nos.6109, 6110 & 6220 of 2018)

Calling for the records on the file of the first respondent in G.O.Ms.118 dated 04.07.2017 Housing and Urban Development (HB5-2) Department and the consequential Letter No.CIT Na.Ko/A1/ 1473/2017 dated 19.07.2017 issued by the 3rd respondent and quash the same. (in WP.No.9594 of 2018)

Petitioner Counsel:-

Mr.J.Ravindran in WP.Nos.27648 to 27655 of 2017, 27998 to 28002 of 2017, 28024 to 28029 of 2017, 28474 of 2017, 28822, 29244, 32551 of 2017, 859 to 864 of 2018, 34012 of 2017

Mr.K.S.Ramakrishnan in WP.No.1811 of 2018

Mr.S.Senthilnathan in WP.Nos.1720 of 2018, 1721 of 2018, 4861 of 2018

Mr.Richardson Wilson in WP.Nos.28076, 29638, 32554 of 2017, 3436 of 2018 & 386 of 2018



Mr.R.Radhapandian

in WP.No.9594 of 2018

Mr.R.Ganesh Kumar

in WP.No.28587 of 2017

Mr.M.Rajendiran

in WP.No.216 of 2018

Mr.AR.L.Sundaresan,
Senior Counsel for
R.Ganesh Kumar

in WP.Nos.29577 to 29583 of 2017, 30237 to 30246, 30951 to 30958 of 2017, 32621 to 32623 of 2017, 5289 to 5292 of 2018, 5296, 5297 of 2018, 5345 to 5347 of 2018, 32940 to 32944 of 2017, 33069 to 33072 of 2017, 33577 & 33578 of 2017, 33585 of 2017, 33586 of 2017, 33710 to 33712 of 2017, 33713, 33714 of 2017, 33715 to 33717 of 2017

Mr.S.Kamaraj

in WP.No.6109 of 2018

Mr.K.Sendurpandi

in WP.No.6110, 6220 of 2018

For Respondents

: Mr.S.R.Rajagopal,
Additional Advocate General
Assisted by M/s.A.Srijayanthi, Spl GP
and
Mr.R.S.Selvam, GA for in all WPs.

Mr.V.Anandhamoorthy for in all WPs.

C O M M O N O R D E R

The occupants of the Government Rented Residential Quarters under the Public quota are the petitioners in these writ petitions. The writ petitioners are in occupation of the Government Rented Quarters in various parts of Chennai City and more specifically, all such Government Quarters are situated in heart of the City. The dispute is in relation to the fixation of rent in respect of the occupants of the Government Rented Quarters maintained by the Tamil Nadu Housing Board.

2.The Government order issued in G.O.Ms.No.118, Housing and Urban Development (HB5-2) dated 04.07.2017 and the consequential covering Letter No.Va.Va.P.1/46173/2010 dated 07.07.2017 and the



demand Letter No.P.Pa.Ko/00029/2017 dated 27.07.2017 are sought to be quashed. Further, a direction is sought for to direct the respondents to receive the old monthly rent from the petitioners tenanted premises situated in various part of the City.

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3.The petitioners have raised the issues by stating that they had been allotted the Government Rented Quarters under the Public quota provided by the Government in various Government Quarters within the City. The Government of Tamil Nadu, during the year 1970 with a view to elevate the poor and downtrodden people of the society coming to the city for finding jobs and who were facing difficulty in getting flats for rent had directed the second respondent / The Tamil Nadu Housing Board to build housing flats at various part of Chennai city to provide affordable flats at rent. Accordingly, the 2nd respondent / The Tamil Nadu Housing Board had constructed flats at Peters Road, CIT Nagar, Cox Square, Foreshore Estate, Mandaveli over the lands belonging to the Government. Subsequently, the Government for maintenance and for providing other facilities to the tenants in all such buildings had appointed the 2nd respondent. Accordingly, the 2nd respondent / The Tamil Nadu Housing Board is maintaining all such Residential Quarters situated in various places within the city.

4.The 2nd respondent / The Tamil Nadu Housing Board, in the year 2002 raised a proposal to the Government to enhance the monthly rent of all the rental buildings in and around Chennai and the Government accepting the said proposal issued G.O.Ms.No.210, Housing and Urban Development (HB 5(1)) Department dated 21.08.2002. The Government had fixed rent at the rate of Rs.5/- per sq.ft for all the Board's rental houses / flats in Chennai and Rs.3/- per sq.ft for all the Board's houses / flats in moffusil areas. At that point of time, some of the occupants approached the Hon'ble High Court and an order was passed by the Hon'ble Division Bench in W.A.No.3292/2002 dated 15.06.2006. An Advocate Commissioner was appointed to evaluate the situation by collecting materials, and accordingly, the Court fixed the rent at the rate of 2.50 per sq.ft. in Chennai City except Cox square and Rs.1.50 per sq.ft. in as far as the individual houses and the rent was fixed at Rs.3/- per sq.ft. the increased rent for the mofussil area was fixed at Rs.1.50/- per sq.ft.

5.The petitioners claim that they are all paying the monthly rent punctually and without committing any default.

6.Mr.R.Ganesh Kumar, learned counsel appearing on behalf of the writ petitioner, forcibly contended that the impugned Government order issued in G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017 is unreasonable



on the ground that the Government has enhanced the monthly rent without reference to any materials available on record. The enhancement of rent is exorbitant and it was fixed with retrospective effect. Therefore, the impugned Government order and the consequential order are liable to be scrapped.

7.The petitioner states that the very purpose and object of providing public quota is to ensure that poor and needy people get rental accommodation within the city at a concessional rate. This being the object of the scheme introduced in the year 1970, enhancement of rent exorbitantly will defeat the very purpose of grant of public quota to these poor people, who all are in occupation of the Government Rented quarters now under the maintenance of the Tamil Nadu Housing Board. Thus, the enhancement of rent made in the impugned Government order is untenable.

8.The learned counsel for the writ petitioner further states that pursuant to the interim order, the writ petitioners have deposited 50% of the arrears of rent. This apart, they were periodically paying the rent as per the terms and conditions of the allotment. Thus, the enhancement now made cannot be in violation of the assurance given by the respondents in this regard.

9.At the outset, the learned counsel for the petitioner is of an opinion that the enhancement of rent is unreasonable and the petitioners had been allotted Government Rented Housing Quarters on public Quota long back and therefore, such an enhancement will affect their rights ensured, with reference to the object sought to be achieved with reference to the public quota.

10.The learned Additional Advocate General appearing on behalf of the respondents disputed the entire contentions raised on behalf of the writ petitioners by stating that the writ petitioners are in occupation of the Government Rented Quarters, which is being maintained by the Tamil Nadu Housing Board as per the orders of the Government. Some of the writ petitioners, who were in occupation of the Government Rented Quarters, were already vacated and they have vacated without paying the arrears of rent. Secondly, few other persons are the chronic defaulters on the payment of monthly rent and continuing in occupation. Thirdly, some other petitioners have not even paid the 50% of the arrears of rent, directed to be paid as per the interim orders of this Court in these batch of writ petitions.

11.Thus, the learned Additional Advocate General brought to the notice of this Court that the petitioners in these batch of writ petitions can be categorized in three parts.



(I) Persons, who are continuing in occupation of the Government Rented Quarters without paying the monthly rent.

(II) Persons, who had already vacated the Government Rented Quarters and not paid the arrears of rent.

(III) Persons, who have not even paid the 50% of the arrears of rent, directed to be deposited by this Court by way of an interim order in all these batch of writ petitions.

12. In view of the fact that the petitioners themselves were violated the conditions of allotment and flouted the interim orders passed by this Court, they are not entitled for any relief as such sought for in the present writ petition.

13. The learned Senior Counsel for the respondents further brought to the notice of this Court that most of the Government Rented Quarters are in dilapidated condition and the Government has already taken a policy decision to demolish all such old buildings and re-construct new buildings in the interests of the occupants and to maintain the quality and standards. All these houses under the occupation of the writ petitioners are very old and most of the houses are not fit for dwelling. In respect of some other buildings, the Government ordered, for vacating the premises and few occupants were vacated and the Government submitted proposals for re-construction of all these buildings for the purpose of allotting the same to the eligible persons in accordance with the rules in force. Thus, in respect of few petitioners, they have no option, but to vacate the premises on account of the fact that the buildings in their occupation are in a dilapidated condition and not fit for dwelling and further some of them are not paying the rent properly. Under these circumstances, it is certainly necessary for the Government to take a policy decision in respect of these allotments and by re-constructing all such very old buildings, which were constructed long back.

14. The learned Additional Advocate General in respect of the fixation of rent, brought to the notice of this Court that fixation of rent is enhanced occasionally and by considering various factors, prevailing in the city. The rent fixed long back, cannot be continued for many years. However, the enhancement of rent was not made periodically by the Tamil Nadu Housing Board and the same is being done only on few occasions. Thus, the ground of unreasonableness raised on behalf of the writ petitioners have no substance at all. The Government issued G.O.Ms.No.8, Housing & Urban Development Department dated 05.01.1993, enhancing the rent by 5% annually for the residential buildings and 10% for non-residential buildings.



After the year 1993, the enhancement of rent was made only in the year 2002 in G.O.Ms.No.210, Housing and Urban Development Department dated 21.08.2002. Therefore, it is not as if, the respondents are enhancing the rent every year. The enhancement of rent is not done periodically and in fact, the same has been done occasionally. This being the factum, there is no reason for the writ petitioners to agitate in respect of the enhancement of rent made, which is far below the market rent, prevailing in that locality.

15. Even, in respect of the enhancement made in the year 2002, some of the tenants filed the writ petitions and the Hon'ble Division Bench of this Court passed an order on 18th March 2004 in W.A.No.3292/2002. This Court passed an order, appointing an Advocate Commissioner for evaluation of the market rent and to find out the reasonability in respect of the enhancement made by the respondents. Accordingly, a revised rent was approved and the tenants in occupation were directed to pay the enhanced rent with effect from the year 2002. Further, the Government issued G.O.Ms.No.274, Housing and Urban Development (HB2(2)) Department dated 01.07.2004, increasing the Government discretionary quota from 10% to 20%. However, the reasons for such enhancement of discretionary quota has not been explained in the Government order. Thus, the same raises a doubt in the mind of the Court, whether such an exercise is done with some deliberations and by considering various aspects and further, it is not considered, whether increasing of such a discretionary quota will lead to abuse of power by the authorities. It is always the principle to be followed by the administrative authorities that more discretion would lead abuse of power and scope for favouritism and nepotism. Therefore, the discretionary quota must be restricted as far as possible to minimise the discrepancies and inequalities in respect of the Government Rented Quarters to the persons, who all are eligible in an equal manner. In the absence of any reason, the enhancement of discretionary quota is certainly not appreciable and therefore, this Court is of an opinion that, whenever the respondents take a revised policy, all these aspects are to be considered before providing such discretionary quotas.

16. In respect of the other batch of Writ Petitions and Writ Appeals, the Hon'ble Division Bench of this Court passed an order on 15.06.2006, in W.A.Nos.3292 of 2002 & etc., batch, the Hon'ble Division Bench passed orders in paragraph 23 & 24, which are extracted hereunder:

"23. In the light of the undisputed facts, as narrated in the Advocate Commissioner's report, we are of the view that most of the suggestions made by the



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Advocate Commissioner, with regard to fixation of rent, are appropriate and acceptable. However, the report needs some change, in the light of the circumstances, shown by the counsel for the appellants / petitioners. Therefore, the suggestions made by the Advocate Commissioner have been accepted, to the extent indicated below:

(i) 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.

(ii) The increased rate of rent shall be fixed at Rs.1.50 sq.ft. for Cox Square area, since it is situated adjacent to slum area and Coovum River.

(c) The increased rate of rent shall be fixed at Rs.3.00 per sq.ft. for all individual houses in Chennai City.

(d) The increased rate of rent shall be fixed at Rs.1.50 per sq.ft. for moffusil area.

24. Though the order dated 18.03.2004, shows that the ultimate rent that may be fixed after considering the report could be made applicable from the time the Housing Board chose to revise the rate, namely, 21.08.2002, it would be appropriate to pass an order that the rent fixed, as mentioned above, could be directed to be made applicable from 1st January 2004, as in the interim order, passed by the Division Bench on 18.03.2004, in view of the request made by the counsel for the appellants / petitioners. Hence, it is, accordingly, ordered. Tamil Nadu Housing Board is directed to collect arrears from the tenants, by giving reasonable time."

17. Pursuant to the orders of the Hon'ble Division Bench, the Government issued G.O.Ms.No.69, Housing and Urban Development [(HB 5(2)] Department dated 22.05.2009, fixing the revised rent. Accordingly, the following rent was imposed with effect from 01.01.2004 and the same, which reads as under:

"4. The Division Bench of High Court in its order dated 15.06.2006 has given its final judgment fixing rent to the Board's rental apartments as follows:



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1	Board's rental apartments in City of Chennai except Cox Square colony at Chintadripet.	Rs.2.50 per Sq.ft.
2	Board's rental apartments in Cox Square area at Chintadripet	Rs.1.50 per Sq.ft.
3	All individual houses in Chennai City	Rs.3.00 per Sq.ft.
4	Board's rental quarters in mofussil area.	Rs.1.50 per Sq.ft.

18.After the above G.O.Ms.No.69, Housing and Urban Development [(HB 5(2)] Department dated 22.05.2009, no enhancement was made for about 8 years.

19.It is relevant to point out that the developmental activities and the growth rate in Chennai City is enormous on account of the growing IT industries and other developmental activities. It cannot be disputed that Chennai City is witnessing the developments considerably and consequently the property values, land cost are also consistently increased. Even the Sub-urban areas of Chennai City are fastly developed within a short span of years and the rental value, property value are also grown up. It is visibly noticeable that the Per Capita Income, Property value, rental value and the lifestyle of the people in Chennai City have undergone faster changes. Thus, this Court is of an opinion that the rent for the Government rental houses also to be increased to match the prevailing market land or atleast little below the prevailing market rent. When Per Capita Income of the Citizen of Chennai City has increased consistently, the rent to be paid to the Government must also be increased, taking note of various factors. The enhancement of rent need not be exactly that of the market value prevailing in that locality. However, the rent to be enhanced atleast to match the prevailing market rent in the particular locality. The principles of exploitations is applicable both to the Government as well as to the tenants, who are in occupation of the Government rental quarters. In the event of exploitation by the tenants of the Government rental quarters, then the persons, who are being exploited are the taxpayers' at large. It is the constitutional obligation on the part of the Government to ensure that the public revenue is protected and fixation of rent on par with the market rent is also to be adopted for all purposes. Undoubtedly, the Government has got prerogative power to introduce welfare schemes for the benefit of the people at large. However, it is brought to the notice of this Court that the public quota in Government rental houses are mostly misused and allotments are made by and large on the basis of favouritism and nepotism and more specifically, even the Government



employees are in occupation of the Government houses under public quota, which is certainly impermissible. They get the public quota in the name of their relatives or their family members and the Government employees are residing. All such irregularities and illegalities are to be identified and appropriate actions are to be taken for eviction of such illegal occupants in Government rental quarters.

20. For instance, Peters Road, Royapettah, falls in the heart of the Chennai City. A 500 sq.ft Single Bedroom Flat is rented out for a minimum monthly rent of Rs.9,775/-. When such being the assessment made in respect of the prevailing market rent, now the writ petitioners are paying only Rs.1,438/- and Rs.1,250/- for 500 sq.ft. This Court is unable to accept such a disparity in respect of the fixation of rent for the Government Rented Quarters and the Market Rental Value, prevailing in the same locality. In other words, for a 500 sq.ft flat, the petitioners are paying Rs.1,438/- and the prevailing market rent in that locality is Rs.9,775/-. Such a long gap is certainly to be presumed that it is a financial loss to the public revenue. Thus, the enhancement of rent made now through the impugned G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017, cannot be said to be unreasonable. Even, as per the impugned Government order issued in G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017, the rent to be paid by the petitioners for 575 sq.ft flat is Rs.6,727.50/-. Therefore, the said rent of Rs.6,727.50/- for 575 sq.ft flat in Peters Road, Royapettah, Chennai, cannot be said to be unreasonable.

21. Considering the fact that the prevailing market rent in that locality for 500 sq.ft of Flat is Rs.9,775/-, this Court is of an opinion that the authorities competent must be vigilant in respect of the collection of monthly rent from all these tenants. There cannot be any lacuna or dereliction on duty in recovering the rent by the officials. In the event of not paying the rent by the tenants, immediate actions are certainly warranted and there cannot be any negligence on the part of the officials in initiating actions in respect of the defaulters. Undoubtedly, when a private building is rented out, no landlord will allow the tenant to occupy his building without payment of rent. When the taxpayers' money is invested for construction of Government buildings within the City and when such buildings constructed from and out of the taxpayers' money are allotted towards public quota as Government Rented Quarters, then the Governmental authorities are equally bound to be vigil in respect of the collection of rent from all the tenants. Any such lapse or dereliction of duty, must be viewed seriously and actions are to be initiated against such officials. In the event of not paying the rent, appropriate actions must be taken for



eviction of all the tenants. Contrarily, they cannot allow such tenants to continue for years together in the Government premises without paying any rent. Such an attitude is to be treated as a lapse on the part of the officials also. Undoubtedly, some of the tenants are continuing in the premises without paying the rent by creating litigations after litigations. Such litigative occupants are also to be dealt with properly by filing appropriate petitions before the Court without any delay.

22. Whenever an interim order is granted by the High Courts, it is the duty on the part of the Government officials to file Vacate Stay Petitions immediately and place all the facts before the Courts to consider the merits and the demerits. The interim orders are granted by the Courts at the time of admission of the cases and considering the urgency and the immediate necessity to protect the interest of the litigants concerned. If it is found by the Government officials that such an interim orders were obtained from the Courts by suppression of facts or misleading of facts, then they are bound to act immediately. Their inactions to be construed as negligence and dereliction of duty.

23. In respect of the impugned order issued in G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017, this Court is of an opinion that the earlier revision of rent was issued in G.O.Ms.No.69, Housing and Urban Development Department dated 22.05.2009. Now, the revision of rent is done after a lapse of about eight years in the impugned G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017.

24. The impugned order states that "the Managing Director, Tamil Nadu Housing Board has informed that the same procedure has also been adopted for the Government Rental apartments converted into Public Quota by fixing rent of Rs.2.50/- per sq.ft. in Chennai City and Rs.1.50 per sq.ft. in Moffusil with effect from 01.01.2004 since no guidelines were issued in respect of Tamil Nadu Government Servants Rental Housing Scheme apartments converted into Public Quota. In this regard, the Managing Director, Tamil Nadu Housing Board has requested to enhance the rent, maintenance charge as follows:

- (i) Monthly rent of Rs.7.31 per sq.ft. may be fixed.
- (ii) Revision of rent may be increased to 10% per year.
- (iii) Maintenance charge at Rs.250/- per month.

(iv) Water charge may be fixed as per the amount paid to the Chennai Metropolitan Water Supply and Sewerage Board by the



Tamil Nadu Housing Board."

25.The Government, considering the above proposals submitted by the Managing Director, Tamil Nadu Housing Board passed the following orders in paragraphs 4 and 5 and same are extracted hereunder:

"4.After careful examination, the Government have decided to enhance the rent and maintenance charge for the allotment in Tamil Nadu Government Servants Rental Housing Scheme Flats by converting into Public Quota as follows:-

S.No.	Population (Towns / Cities)	Monthly rent	Maintenance charge	Water charge
1	50 Lakh and above	Rs.7.31/sq.ft + 60% over and above of the base rate of Rs.7.31 per sq.ft.	Rs.1000/-	Water charge will be fixed as per the amount paid to the Chennai metropolitan Water Supply and Sewerage Board by the Tamil Nadu Housing Board.
2	5 lakh - 50 lakh	Rs.7.31/sq.ft + 30% over and above of the base rate of Rs.7.31 per sq.ft.	Rs.800/-	
3	Below 5 lakh	Rs.7.31/sq.ft	Rs.600/-	

5.Every year, the rent will be increased by 10% and the maintenance charge will be increased by 5% till further revision."

26.Even as per the impugned order, the enhanced rent comes around Rs.6,727.50/- for a flat measuring 575 sq.ft. However, the market rent prevailing for 500 sq.ft. flat as of now is nearby the Peters Road, Royapettah is Rs.9,775/-. This being the factum of the case, this Court is of an opinion that the enhancement of rent cannot be construed as unreasonable. It is brought to the notice of this Court that in the very same Government Quarters, the remaining buildings were allotted to the Government employees working in and around the City. The Government servants, who all are in occupation of the said Quarters are paying the monthly rent of Rs.11,216/-. Thus, when the employees are paying the rent of Rs.11,216/- for a flat measuring 575 sq.ft and the market rent prevailing in the very same area is Rs.9,775/- and now, the enhanced rent of Rs.6,727.50/- is fixed for the public quota, this Court is of



an opinion that even after the enhancement, the same is not in commensuration with the market rent prevailing. However, this Court has to consider the very objective of public quota being granted.

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27. The principles of reasonableness and no arbitrariness in actions by the public authorities are the core of our constitutional scheme and structure. Arbitrariness by the public authorities can be demonstrated by the existence of different circumstances. Whenever both the decision making process and the decision taken are based on irrelevant facts, while ignoring relevant considerations, such an action can normally be termed as 'arbitrary'. Where the process of decision making is followed but proper reasoning is not recorded for arriving at a conclusion, the action may still fall in the category of arbitrariness. Of course, sufficiency or otherwise of the reasoning may not be a valid ground for consideration within the scope of judicial review. Rationality, reasonableness, objectivity and application of mind are some of the prerequisites of proper decision making. The concept of transparency in the decision making of the public authority has also become an essential part of our administrative law.

28. An action by a public authority, whether administrative or executive, has to be fair and in consonance with the statutory provisions and rules. Even if no rules are in force to govern executive action, still such action, especially if it could potentially affect the rights of the parties, should be just, fair and transparent. Arbitrariness in the action, even where the rules vest discretion in an authority, has to be impermissible. The exercise of discretion, in line with the principles of fairness and good governance, is an implied obligation upon the authorities, when vested with the powers to pass orders of determinative nature. Thus, it is made clear that any decision in this regard is to be beyond doubt and the principle of reasonableness and fairness are to be adopted by the Madras High Court, while granting allotment to its own employees.

29. One more factor to be considered by this Court is that there is an opinion amongst the people at large that as the public quota by the Tamil Nadu Housing Board and Government is mostly misused and the allotments are made only on favouritism and nepotism. The allotments are not made strictly in accordance with the guidelines issued in this regard. People, who are in power, are able to get such discretionary quotas for the welfare of their own personal servants or to their relatives. Such is the general opinion prevailing amongst the people at large. The allotment under the Public quota is made mostly to the personal staff of the Very Important Persons (VIPs) and some people, who



are holding higher posts. Thus, the respondents are bound to review all such cases, where allotments are made contrary to the guidelines and the terms and conditions. When the public quota has been created for the purpose of providing houses to the lower rent to the poor and needy people, who are residing in Chennai City, the same is to be given to such people alone and the quota can never be misused by the officials, by granting allotment to the people, who all are working and well placed. Thus, the respondents are bound to review all such cases, where such allotments made long back. Even in case, where the allotments were made 20 years back or 15 years back and now, the Per capita income and the lifestyle of those occupants are considerably improved, the said allotment is to be cancelled and it is to be provided to the needy people and by following the procedures as contemplated for grant of public quota. In the event of not reviewing all such policies, the State is committing an act of discrimination, which is in violation of the constitutional principles and mandates. When welfare schemes are framed by the State under the constitution of India, the same must be implemented strictly in accordance with the terms and conditions and for the welfare of the public at large. Any misuse or abuse of such welfare schemes are to be noticed, and the State is duty bound to review all such schemes and initiate action against all such wrong doings. In the event of failure on the part of the State, this Court has no hesitation in holding that the actions are not only arbitrary, but unconstitutional. Thus, the respondents are bound to review all such allotments and take appropriate actions and implement the welfare schemes in its real letter and spirit and for the welfare of the needy people, who are falling within the ambit of the scheme and not otherwise.

30. The allotment order issued to the petitioners also stipulates that the petitioners are liable to pay the enhanced rent as and when the revised rent is notified by the Tamil Nadu Housing Board. Thus, the writ petitioners have agreed to pay the enhanced rent and even in the absence of any such clause in respect of the erstwhile allottees, this Court is of an opinion that the writ petitioners cannot expect that they can be allowed to continue in the said premises for years together without any enhancement of rent. Only ground to be considered is the principles of reasonableness to be adopted, while fixing the rent in respect of the Government Rented Quarters. As discussed above, the present enhanced rent cannot be said to be unreasonable and in fact, the enhanced rent now fixed is far below the rent fixed in respect of the Government employees, who all are in occupation of the very same Quarters and the market rent prevailing in that locality. Such being the factual position, this Court is of an opinion that the principles of reasonableness as contemplated by the writ petitioners deserves



no merit consideration.

31. This Court cannot brush aside the fact that the respondents / Housing Board are also not maintaining the Government Rental accommodations to the expectations of the occupants. In other words, poor maintenance of the Government Residential Quarters is also to be condemned. When the respondents are enhancing the rent and collecting maintenance charges, they are duty bound to maintain the building in all respects, enabling the occupants to reside with their family peacefully. There are complaints that these Government Rental accommodations are not being maintained properly by the officials. Thus, this Court is of an undoubted opinion that the respondents are duty bound to maintain all such buildings in the manner prescribed under the rules for maintenance.

32. In view of the fact that the enhanced rent is not exorbitant or fixed beyond the market rent prevailing in Chennai City. More specifically, in the locality, where the petitioners are in occupation of the Government Rented Quarters, this Court is of an opinion that the impugned order deserves no interference. Further, in view of the fact that the learned Additional Advocate General brought to the notice of this Court that some of the petitioners have not paid the rent and committing default in payment of rent and some of the petitioners, who vacated the building have not paid the rent and some of the petitioners have not complied with the interim orders of this Court in respect of the payment of 50% of arrears of rent. It is further brought to the notice of this Court that in respect of the dilapidated houses unfit for dwelling, the respondents had issued notices to the tenants. On account of the present writ petitions, further actions are kept in abeyance. Thus, the following orders are to be passed in the interests of all concerned.

(i) The impugned order passed by the 1st respondent in G.O.Ms.No.118, Housing and Urban Development (HB5-2) Department dated 04.07.2017 stands confirmed.

(ii) The petitioners, who all are in occupation of the dilapidated houses, unfit for dwelling are to be evicted pursuant to the notices issued to them with reference to the conditions stipulated in the allotment.

(iii) The respondents are directed to verify the eligibility criteria of all those occupants under discretionary quota and if it is found that the allotments were made contrary to the purposes, objects and the terms and conditions of the Government orders, then initiate immediate action for eviction of all those illegal or irregular occupants.

(iv) In respect of the petitioners, who have not



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paid the monthly rent and not vacated the premises, the respondents are directed to initiate all further actions to recover the arrears of rent and other statutory charges by following the procedures as contemplated under law.

(v) In respect of the petitioners, who have not complied with the interim order of this Court by depositing 50% of the arrears of rent, the respondents are directed issue notice as contemplated and accordingly, evict all those petitioners by following the procedures within a period of four weeks from the date of receipt of a copy of this order.

(vi) The petitioners, who all are the defaulters in payment of rent and continuing the Government Rented Quarters are also to be evicted by following the procedures as contemplated under law.

(vii) In respect of the existing Government Rental accommodations, the respondents are directed to maintain the same properly and in accordance with the Maintenance Rules without any default.

(viii) The respondents are directed to complete the said exercise within a period of twelve weeks from the date of receipt of a copy of this order.

33. With these directions, all the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Housing & Urban Development (HB5-2) Department,
Secretariat, Fort St. George, Chennai-9
2. The Managing director,
Tamil Nadu Housing Board,
Pattinampakkam Division,
Anna Salai, Nandam, Chennai.
3. The Principal Secretary,
Housing & Urban Development Department,



Fort St.George, Chennai-9.

4. The Executive Engineer & Administrative Officer,
Nandanam Division, TN.H.B, Chennai-35.
5. The Superintending Engineer,
T.N.H.B.Foreshore Estate Division,
Annasalai, Nandanam-35.
6. The Executive Engineer & Administrative Officer,
Anna Nagar Division, TNHB,
Thirumangalam, Chennai-101.
7. The Chairman,
The Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai-35.
8. The Managing Director,
T.N.H.B, 493,
Annasalai, Nandanam,
Chennai-35.
9. The Secretary to Government,
Housing & Urban Development Department,
Fort St.George, Chennai-9.
10. The Chief Revenue Officer,
TNHB, 493, Anna salai,
Nandanam, Chennai-35.
11. The Executive Engineer,
TNHB, Anna Nagar, Division,
Thirumangalam, Chennai-101.
12. The Executive Engineer,
TNHB, Pattinampakkam Division,
Annasalai, Nandanam, Chennai-35.
13. The Executive Engineer & Administrative Officer,
Anna Nagar Division,
TNHB, Chennai-40.
14. The Executive Engineer,
TNHB, K.K.Nagar Division,
Annasalai, Nandanam, Chennai-35.



15. The Executive Engineer,
TNHB, Foreshore Estate Division,
Annasalai, Nandanam, Chennai-35.

16. The Executive Engineer,
TNHB, Anna Nagar Division,
Thirumangalam, Chennai-101.

+70ccs to Mr.R.Ganesh Kumar, Advocate in sr.no.71410
+3cc to Mr.S.Senthilnathan, Advocate in sr.no.71208
+1cc to Mr.A.R.Sakthivel, Advocate in sr.no.71044
+1cc to Mr.V.Anandhamurthy, Advocate in sr.no.71522
+1cc to Government Pleader,
in sr.nos.71442, 71540 to 71552 & 71559 to 71582)

W.P.Nos.26919 of 2017 & etc., batch

RV (Co)
CS/20/12/2018
CS/03/01/2019