

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal Nos.535, 131, 133, 138, 140 and 141 of 2019
and

C.M.P.Nos.1220, 1221, 1229, 1230, 1239, 1240,
1244, 1246 to 1248, 4621, 4624 and 4629 of 2019

W.A.No.535 of 2019:-

G.Ravichandran ... Appellant/Petitioner in
WA No.535 of 2019

N.Veera Kumar ... Appellant/Petitioner in
WA No.131 of 2019

V.Thayumanasamy ... Appellant/Petitioner in
WA No.133 of 2019

S.Sivanandam ... Appellant/Petitioner in
WA No.138 of 2019

A.Murugaiyah ... Appellant/Petitioner in
WA No.140 of 2019

D.Thomas ... Appellant/Petitioner in
WA No.141 of 2019

-vs-

1.State of Tamilnadu,
Rep., by the Secretary to Government,
Housing and Urban Development,
(HB5-2) Department, Secretariat,
Fort St. George,
Chennai-600 009. ... 1st Respondent in all W.As.

The Tamilnadu Housing Board,
Rep., by its Chief Revenue Officer,
No.493, Anna Salai, Nandanam,
Chennai-600 035. ... 2nd Respondent in W.A.No.535/2019

The Tamil Nadu Housing Board,
Rep. By its Managing Director,
Nandanam Division,
Anna Salai, Nandanam,
Chennai - 35.

.. 2nd Respondent in W.A.Nos.131,
133,138,140 & 141/2019

The Tamilnadu Housing Board,
Rep., by its Executive Engineer,
Pattinampakkam Division, Anna Salai,
Nandanam,
Chennai-600 035.

.. 3rd Respondent in W.A.No.535/2019

The Executive Engineer and
Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
Chennai - 35

.. 3rd Respondent in W.A.Nos.131,133,
138,140 and 141 of 2019

APPEAL under Clause 15 of the Letters Patent to set aside
the order of this Court dated 12.10.2018 made in W.P.No.33713 of
2017 on the file of this Court.

WP No.33713 of 2017: 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 3rd respondent demand Letter No. P.Pa.Ko/ 00029/
2017 dated 27.07.2017 and quash the same and direct the
respondents to receive Rs.1440/- every month as rent for the
petitioners tenanted premises situated at Flat No.8/6, Peters
Colony, Peters Road, Royapettah, Chennai-600 014

WP No.28000 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 letter No. NTR7/1163/2017
dated 25.7.2017 passed by 3rd respondent quash the same

WP No.27650 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
quash the same

WP No.27655 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 quash the same

WP No.27654 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 quash the same

WP No.27998 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 18.9.2017 and letter No. NTR7/1163/2017 dated 25.7.2017 passed by 3rd respondent quash the same

For Appellants : M/s.M.Sneha,
(In all Appeals) for Mr.J.Ravindran
For TNHB : Dr.R.Gowri,
(In all Appeals) Standing Counsel

JUDGMENT

(Delivered by T.S.Sivagnanam, J.)

Heard M/s.M.Sneha, learned counsel, for Mr.J.Ravindran, learned counsel for the appellants/writ petitioners; and Dr.R.Gowri, learned Standing Counsel for the respondent-Tamil Nadu Housing Board.

2.These appeals have been filed by the appellants challenging the common order passed in W.P.Nos.33713, 28000, 27650, 27655, 27654 and 27998 of 2017 dated 12.10.2018. All these cases pertain to increase in payment of monthly rent for the accommodation which has been granted to the appellants, who had secured allotments under the 'public quota'.

3.Earlier, we had an occasion to test the correctness of such allotments under "public quota" in a batch of cases in respect of other accommodation provided to other than Government servants in Saidapet (Todhunter Nagar). We held that the allotment of houses under the "public quota" has led to arbitrary exercise of power and chosen few had the benefit of such allotments and have been staying in the accommodation for several years. Ultimately, we held that there is no vested right for them to continue in the premises and dismissed those writ appeals.

4. We are informed by the learned Standing Counsel for the Housing Board that the special leave petitions filed against the judgment passed by us have been dismissed by the Hon'ble Supreme Court.

5. The learned counsel for the appellants vehemently contended that the appellants before us are not challenging any orders of demolition passed by the Government or the Housing Board, but are questioning the arbitrary enhancement of rent and the discrimination meted out. In this regard, the learned counsel referred to the observations made by this Court while issuing notice to the respondents, vide order dated 22.01.2019. The Court had recorded the submission of the learned counsel for the appellants that the Government Order in G.O.Ms.No.118 dated 04.07.2017 is discriminatory and only certain persons are targeted in the form of exorbitant increase in rent with retrospective effect and the Government Order is not uniformly applied to all 'public quota' allottees.

6. The learned Standing Counsel for the respondent-TNHB has brought to our notice that the Government servants who have been allotted quarters under the Tamil Nadu Government Rental Housing Scheme (TNGRHS) are paying three times more than the rent payable by the appellants who have secured allotments under "public quota". Furthermore, it is the submission of the learned counsel that all the appellants are in arrears of rent and they have not paid the increase with effect from 1993 onwards. Further, the stand of learned Standing Counsel is that there is no discrimination and all the public quota allottees have been uniformly informed about the increase in rent and considering the location of the property and other facilities in and around the area, the increase in rent is reasonable, just and proper.

7. Assuming the appellants had taken on rent a private accommodation, the Landlord is entitled to revise the monthly rent and is entitled to seek for fair rent. The position becomes no different merely because the State Government or the Tamil Nadu Housing Board is the owner of the property. The appellants have enjoyed Government accommodation all these years and they are bound to pay the rent which has been found to be reasonable by the learned Single Bench which also appeals to us and we find no ground to interfere with the order and direction issued by the learned Single Bench.

8. With regard to the plea of discrimination raised by the appellants, we direct the respondents to uniformly apply the Government Order to all the 'public quota' allottees and there shall be no discrimination in implementing the revised rent. The appellants may be granted reasonable time to settle the

arrears subject to the condition that they start paying increased rent prospectively.

9. With the above observations, the writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

(abr)
To

1. The Secretary to Government,
The State of Tamil Nadu,
Housing and Urban Development,
(HB5-2) Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The Chief Revenue Officer,
The Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam, Chennai-600 035.
3. The Executive Engineer,
The Tamil Nadu Housing Board,
Pattinampakkam Division,
Anna Salai, Nandanam, Chennai-600 035.
4. The Managing Director, Tamil Nadu Housing Board,
Nandanam Division, Anna Salai, Nandanam,
Chennai - 35.
5. The Executive Engineer and Administrative Officer,
Nandanam Division, Tamil Nadu Housing Board, Chennai - 35

+1 cc to The Government Pleader, SR.No.38818
+5 cc's to Mr.J.Ravindran, Advocate Sr.Nos.38606 to 38610
+1 cc to Mr.r.Ganesh Kumar, Advocate Sr.No.38933
+1 cc to Dr.R.Gouri, Advocate Sr.No.38907

W.A.Nos.535, 131, 133, 138,
140 and 141 of 2019

CSL/20.06.2019