

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Writ Appeal No.1570 of 2019
and C.M.P.No.10779 of 2019

1. A.Ravi
2. G.Elango
3. S.Indira Devi
4. G.Sargunan
5. S.Pugazhendhi
6. S.Indira
7. D.Mohan
8. K.Sabeena
9. Mukavai Metha
10. S.Sivanandam
11. Kausalya

Appellants

-Vs-

1. Government of Tamil Nadu
represented by its Principal Secretary
Housing and Urban Development Department
Fort St.George, Chennai 600 009.
2. Tamil Nadu Housing Board
represented by its Secretary, Managing Director
493, Anna Salai, Nandanam, Chennai 600 035.
3. R.Susila
4. M.Lakshmi
5. R.Vanitha
6. N.Purushothaman
7. C.Arumugam
8. V.Nandhini
9. G.Pushparani
10. V.Vadivel
11. E.Varadan
12. D.Devi
13. K.Magesh
14. V.Geethakrishnan
15. A.Powline
16. S.Sumathi

17.K.A.Paul
18.P.Sujatha
19.S.Kannan
20.A.Karthikeyan
21.S.Viswanathan
22.M.Kamalakannan
23.G.Manokaran
24.J.Jayaganesh
25.M.Selvakumar
26.P.Rajendran
27.S.Ramakrishnan
28.J.P.Senthilkumar
29.M.Gopi
30.A.Natarajan
31.E.Prathipa
32.V.Kumar
33.V.Dhinasekaran
34.R.Aravinthan
35.M.Babu Rao

.... Respondents

For Appellant : Mr.Gnanadesikan, Senior Counsel

For Respondents 1&2 : Dr.R.Gowri, Additional Government

Pleader

Prayer : Writ Appeals under Clause 15 of the Letters Patent against the order passed in W.P.No.28076 of 2017 dated 12.10.2018.

WP.NO.28076/2017:

Writ Petition filed Under Article 226 of the Constitution of India praying this court to issue a Writ of Certiorarified Mandamus 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.

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J U D G M E N T

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J.)

This appeal is directed against the order in W.P.No.28076 of 2017, which was disposed of by a common order dated 12.10.2018. Similar appeals were filed before us, challenging the very same common order in two batches in W.A.No.535 of 2019 etc., and

W.A.No.1073 of 2019. We have dismissed those appeals by the judgments dated 22.04.2019 and 23.04.2019 respectively. The appellants being no different, is squarely covered by the decision in the aforementioned judgments. The operative portion of the judgment dated 22.04.2019 in W.A.No.535 of 2019 etc., batch of writ appeals, reads as follows.

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. With the above observations, the writ appeals stands dismissed."

2. Thus the writ appeal fails and accordingly dismissed. No costs. Consequently, connected C.M.P.No.10779 of 2019 is also dismissed. As observed by us in the earlier judgement dated

22.04.2019, the respondent/Board shall grant reasonable time to the appellants to pay the arrears as per the enhanced demand subject to the condition that the current enhanced rent should be cleared.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary
Housing and Urban Development Department
Fort St.George, Chennai 600 009.
2. The Secretary/Managing Director
Tamil Nadu Housing Board
493, Anna Salai, Nandanam, Chennai 600 035.

+1cc to Dr.R.Gowri, Advocate sr.41653

+1cc to Government Pleader sr.42556

Writ Appeal No.1570 of 2019

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nr 04/07/2019

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