

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.14860 of 2018
and
W.M.P.Nos.17588 to 17590 of 2018

Mr.Rajkumar

...Petitioner

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.

2.The Tamil Nadu Housing Board
rep.by its Chief Revenue Officer,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Tamil Nadu Housing Board
rep.by its Executive Engineer,
Anna Nagar Division,
Thirumangalam, Chennai - 600 101.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling 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.T/A1/77/14 dated 23.08.2017 and quash the same and direct the respondents to receive Rs.4,385/- every month as rent for the petitioner's tenanted premises situated at House No.B-27, Tower Block, Taylors Road, Government Officers Rental Quarters, Kilpauk, Chennai - 600 0101.

For Petitioner :M/s.R.Ganeshkumar

For Respondents:Mr.N.Inbanathan
Additional Government Pleader for R1

Mr.K.Bharath Kumar
Senior Counsel for R2 & R3

O R D E R

The petitioner is in possession of Flat No. B-27, TNHB Quarters, Tower Block, Kilpauk, Chennai - 600 010. He has been in possession from 20.02.2009. It is a triple bedroom quarters and has 1760 sq.ft. He is paying monthly rent of Rs.4,385/-. After due process, the respondent / Tamil Nadu Housing Board has increased the monthly rent to a sum of Rs.20,592/- apart from maintenance charges of Rs.1000/- and water charges of Rs.50/-. The petitioner has challenged such an increase in this writ petition.

2. Unfortunately, the similar request made by other owners have been turned down by a Single Judge of this Court on 12.10.2018 in W.P.No.26919 of 2018 batch. P.Balamurugan and others vs. the State of Tamil Nadu, Tamil Nadu Housing Board and others. It is seen that some of the writ petitioners in that batch had taken up the matter, further in appeal. It came up for consideration by the Division Bench of this Court on 22.04.2019. The appeals are confirmed the order of the Single Judge. In effect, the petitioner has to pay the arrears of monthly rent as fixed together with the maintenance and water charges.

3. In view of the fact that consistently both the learned Single Judge of this Court and the Division Bench of this Court had rejected to reconsider enhancement of the rent and specifically stated that the persons in occupation must pay the enhanced rent together with maintenance and water charges, a direction is issued to petitioner to comply with the demand raised in the notice dated 23.08.2017 in letter No.S.P.T/A1/77/44 issued by the Executive Engineer, Tamil Nadu Housing Board specifically to the petitioner herein.

4. The Court can only grant a concession. For payment of arrears a time of limit 29.02.2020 is granted. The petitioner should simultaneously pay monthly rent and enhanced rent.

5. Consequently, I find no merit in the case, since I am bound by the Division Bench referred above. Consequently, the petition is dismissed with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Pns

To

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.

2.The Tamil Nadu Housing Board
rep.by its Chief Revenue Officer,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Tamil Nadu Housing Board
rep.by its Executive Engineer,
Anna Nagar Division,
Thirumangalam, Chennai - 600 101.

+1cc to Mr.R.Bharath Kumar, Advocate SR.102082
+1cc to the Government Pleader SR.101660

Writ Petition No.14860 of 2018

SR(CO)
CB(21/01/2020)