IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.32908 of 2013
(Heard through VC)

Tri Jegan Mohan School
Rep. by its Secretary
School Committee
V.Amutha
No.1, South Cemetery Road
Chennai - 600 021 ... Petitioner

Vs

The Tamil Nadu Slum Clearance Board
Rep. by its Chairman
No.5, Kamaraj Salai
Chennai - 600 005 ...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to re-fix the rent for the 1800 square feet of land leased to the petitioner school and to convey 6739 sq. feet of land to the petitioner school as per proceedings of the respondent dated 23.07.2010.

For Petitioner : Mr.V.Selvaraj

For Respondent : Mr.S.Prabhu
Standing Counsel

ORDER

This writ petition was heard through Video Conferene on account of COVID-19 pandemic situation.

2. The petitioner has sought for a Writ of Mandamus, directing the respondent to re-fix the rent for the 1,800 square feet of land leased to the petitioner school and to convey 6,739 sq. feet of land to the petitioner school, as per proceedings of the respondent dated 23.07.2010.

3. The petitioner is a school, which has taken about 1,800 sq.ft. of land for lease from Tamil Nadu Slum Clearance

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Board on a monthly rent of Rs.54/- during 1998. The respondent agreed to convey the 1,800 sq.ft. of land leased to the petitioner school and an additional area of 830 sq.ft. of land. While so, on 29.02.2000, the respondent increased the rent from Rs.54/- per month to Rs.7,200/- per month, stating that the leased area was a bunk. When the same was challenged in W.P. No.9198 of 2000 and 9199 of 2000, the writ petitions were allowed on 14.08.2008 and the respondent herein was directed to pass orders on merits.

4. As the order enhancing the rent was quashed by this court, the respondent had to re-fix the rent to the petitioner school. Therefore, this writ petition has been filed for a direction to the respondent to re-fix the rent for the 1800 sq.ft. of land conveyed to the petitioner school.

5. A counter affidavit has also been filed by the respondent. In the counter affidavit, the respondent has only stated about the arrears of rent due from the petitioner and nothing on the re-fixation of the rent.

6. Pending writ petition, proceedings of the respondent in Se.Mu.No.Ni.A1(1)/8142/2015 dated 03.06.2020 was issued. The said proceedings, after considering the resolutions dated 02.05.2012, 15.02.2019 and 16.03.2020, had resolved and determined the lease amount payable by the lessees of various categories.

7. In view of the said proceedings, this court, without going into the merits of the case, is directing the respondent to re-fix the rent to petitioner school in the light of the proceedings dated 03.06.2020. The petitioner is also directed to appear before the respondent on the date that may be fixed for hearing and put-forth their objections, if any. The petitioner also may pay the arrears of rent, if any. The above said exercise may be completed by the respondent, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. However, there shall be no order as to cost.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Asr

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To

The Tamil Nadu Slum Clearance Board
Rep. by its Chairman
No.5, Kamaraj Salai
Chennai - 600 005.

W.P.No.32908 of 2013

AJS(CO)
CB(21/10/2020)

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