

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.10602 of 2020
and W.M.P.No.12882 of 2020

R.Jaya Glory

...Petitioner

Vs

1. State of Tamil Nadu,
Rep by Secretary to the Government,
Housing and Urban Development,
St.George Fort,
Chennai.
 2. Tamil Nadu Housing Board,
Rep by its Chairman cum Managing Director,
No.334, Nandanam,
Chennai - 35.
 3. Executive Engineer and Administrative Office,
K.K.Nagar Division,
Tamil Nadu Housing Board,
No.E, 48, 3rd Floor,
II Avenue, Anna Nagar,
Chennai 600 040.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records pertaining to impugned proceedings of the 3rd respondent bearing Letter No.KKN.P7/265/2020 dated 30.01.2020, quash the same.

For Petitioner : Mr.R.N.Amarnath
For Respondent-1 : Mr.V.Shanmugasundar,
Special Government Pleader
For Respondents 2 & 3 : Mr.R.Bharathkumar

ORDER

The petitioner has sought for a writ of certiorari to call for the records pertaining to the impugned proceedings of the third respondent bearing Letter No.KKN.P7/265/2020 dated 30.01.2020 and quash the same.

2. The petitioner was allotted a flat on rental basis under Public Rental Scheme in Trust Puram, Kodambakkam. A Lease

Deed was also executed by the petitioner in favour of the third respondent. As per the allotment order, the monthly rent payable was Rs.2,350/- and it was periodically increased at the rate of 5% annually and lastly, the rent came to be increased to Rs.4,373/- on 04.11.2019. While so, by communication dated 30.01.2020, the rent was increased by the first respondent to Rs.13,655/-, besides maintenance charges of Rs.1,100/- and water charges of Rs.200/-, making it Rs.14,955/- per month. As the revision of rent was arbitrary without any basis, the petitioner has approached this Court to quash the said proceedings.

3. It is to be stated that, by virtue of an interim order dated 12.08.2020, the petitioner was directed to pay 50% of the enhanced rent from February, 2020. While so, the learned counsel for the petitioner had produced the proceedings of the second respondent dated 10.09.2020 revising the rent for the year 2020. As per the same, the rent payable is Rs.9,418/- plus maintenance charges of Rs.1,103/-, plus water charges of Rs.200/-, making it Rs.10,721/-. Subsequently, the rent was further revised on 08.02.2021 for the period from 01.02.2021 to 31.01.2022.

4. The learned counsel for the petitioner submits that the petitioner is willing to accept the said revised rent fixed by the second respondent vide proceedings dated 10.09.2020 and he will continue to pay the above rent. It is now stated that there is an arrears of Rs.60,736/- payable by the petitioner to the respondents. It is further stated by the learned counsel for the petitioner that it would be difficult for the petitioner to pay the arrears in lumpsum and requested permission to pay the same in 10 instalments.

5. Considering the plight of the petitioner, this Court is inclined to accede to the request of the petitioner and accordingly, the petitioner is directed to pay the arrears amount of Rs.60,736/- in 6 equal instalments commencing from the month of May 2021. The petitioner is also directed to continue to pay the monthly rent without fail.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to the Government,
State of Tamil Nadu,
Housing and Urban Development,
St.George Fort,
Chennai.

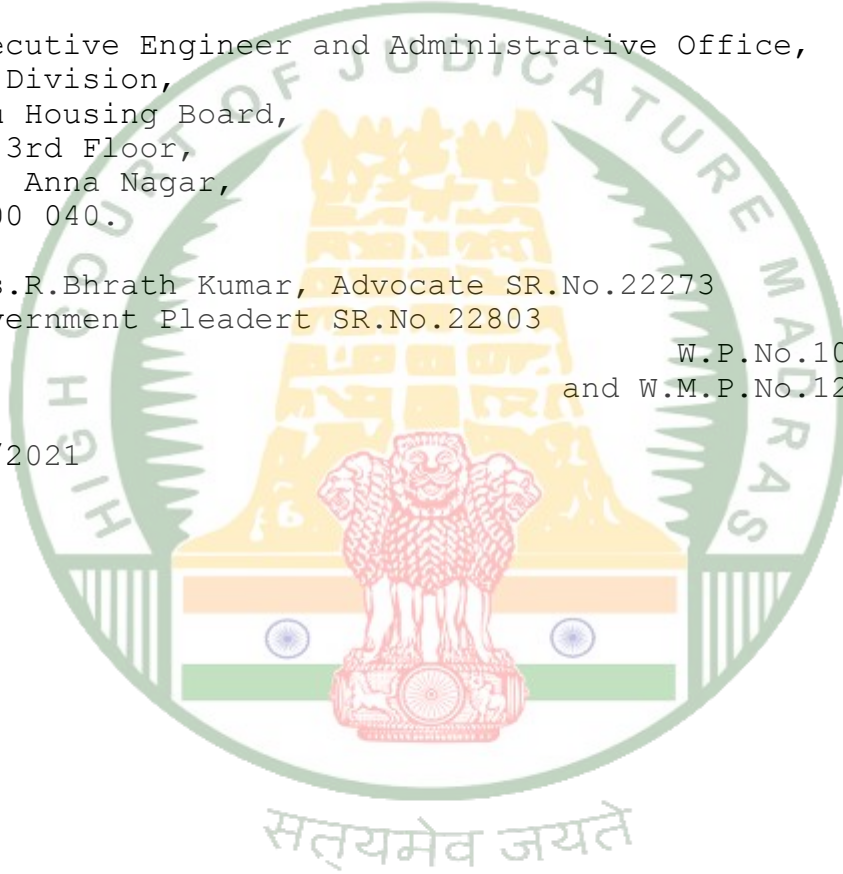
2. The Chairman cum Managing Director,
Tamil Nadu Housing Board
No.334, Nandanam,
Chennai - 35.

3. The Executive Engineer and Administrative Office,
K.K.Nagar Division,
Tamil Nadu Housing Board,
No.E, 48, 3rd Floor,
II Avenue, Anna Nagar,
Chennai 600 040.

+cc to M/s.R.Bhrath Kumar, Advocate SR.No.22273
+cc to Government Pleader SR.No.22803

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PL(CO)
baf 04/05/2021



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