



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.17402 of 2021

and

W.M.P.No.18461 of 2021

P.V.Rajaboopathy Pandian

...Petitioner

Versus

The Estate Officer,
Slum Clearance Board,
No.212, RK mutt road Mylapore,
Chennai - 600 004.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the files pertaining to Form B Notice dated 13.07.2021 in ந.கோ.எண்.199/ஆ/2014/எ.அ.6 issued by the Estate Officer, Slum Clearance Board, Chennai - 600 004 and quash the same.

For Petitioner : Ms.R.Nandhini
for Mr.M.T.Arunan

For Respondent : Mr.S.Prabhu

O R D E R

According to the petitioner, he was allotted Shop Nos.1, 2 & 3 in Pillaiyar Koil Thottam, Mylapore, Chennai for a monthly rent of Rs.23,007/-. Originally, it was allotted for a period of one year and subsequently, was extended on payment of enhanced rent at 5% till 14.02.2021. Accordingly, he paid the monthly rent to the respondent till January 2020, without any default. Thereafter, he defaulted in paying the monthly rent due to pandemic COVID-19. While so, the respondent issued Form A notice dated 17.12.2020 to the petitioner, alleging that he defaulted in payment of rent from February 2020 to November 2021, to which, the petitioner sent a detailed representation dated 16.02.2021. Without even considering the same, the respondent



issued Form B notice dated 24.03.2021 to him, but it was not given effect to. Subsequently, the petitioner sent a representation dated 21.04.2021 to the respondent, requesting to waive the rent payable by him during the pandemic period. Instead of considering the same, the respondent again issued Form A notice dated 21.06.2021 to the petitioner, calling upon him to pay the rental arrears, within a period of 15 days from the date of receipt of the said notice, failing which eviction proceedings would be taken. Following the same, Form B notice dated 13.07.2021 was also issued to him. Aggrieved by the same, the petitioner has filed the present writ petition before this Court.

2. When this writ petition was taken up for hearing on 19.08.2021, this Court has granted an order of interim stay, subject to the condition that the petitioner should pay 50% of the demand raised by the respondent.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that as directed by this court, the petitioner has paid 50% of the demand amounting to Rs.5,64,761/- including GST, to the respondent. To substantiate the same, she has also produced a copy of the receipt dated 16.09.2021 before this court.

4. On the other hand, the learned counsel appearing for the respondent submitted that the petitioner owes the balance 50% of the total demand raised, along with current monthly rent. He further alleged that the petitioner sublets the shops, which were allotted to him by the respondent.

5. In reply, the learned counsel for the petitioner submitted that the petitioner is not involved in any act of subletting the shops in question. She further sought the indulgence of this court with regard to payment of balance rental arrears, stating that due to pandemic situation, from February 2020 onwards, the petitioner finds it difficult to get along his business operations.

6. Taking note of the facts and circumstances of the case, more particularly, that the petitioner has paid 50% of the demand raised by the respondent, pursuant to the order of this court dated 19.08.2021, and considering the submissions made by the learned counsel on either side, this Court is inclined to pass the following order:

(i) the petitioner shall pay the balance 50% of the total demand raised, to the respondent, by way of instalment at Rs.1,00,000/- per month.



(ii) the first instalment with regard to payment of balance rental arrears, starts from the month of November 2021 and ends in the month of April, 2022.

(iii) the petitioner shall pay the arrears of rent at Rs.1,00,000/- along with the current monthly rent, on or before 5th of every English calendar month;

(iv) It is made clear that if the petitioner fails to make the payment as directed by this court, it is open to the respondent to proceed with the eviction proceedings.

7. This Writ Petition is disposed of in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrr

To

The Estate Officer,
Slum Clearance Board,
No.212, RK mutt road Mylapore,
Chennai - 600 004.

+2ccs to Mr.M.T.Arunan, Advocate, S.R.No.47969

+1cc to Mr.S.Prabhu, Advocate, S.R.No.48274

W.P.No.17402 of 2021

BR(CO)
SU(18/10/2021)