



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2021

Coram

The Honourable Mr. Justice R. MAHADEVAN

W.P.No.17480 of 2021

and

W.M.P.No.18565 of 2021

Sanjeev Thakur,
Office Assistant,
Original Side,
Madras High Court,
Chennai - 104.

...Petitioner

Versus

1. State of Tamil Nadu
rep. by its Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
D.No.493, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Deputy Secretary (Revenue),
O/o. Managing Director,
Tamil Nadu Housing Board,
D.No.493, Anna Salai, Nandanam,
Chennai - 600 035.
4. The Executive Engineer and Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Chennai - 600 101.
5. The Assistant Engineer,
Padikuppam Scheme Area,
Anna Nagar Division, Thirumangalam,
Tamil Nadu Housing Board,
Chennai - 600 101.

...Respondents



Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the demand notice dated 02.02.2021 on the file of the fifth respondent quash the same and direct the respondents to collect water charges as per the allotment made to the petitioner as in the case of other scheme area.

For Petitioner : Mr.S.Doraisamy

For Respondent - 1 : Mr.G.Krishnaraja,
Government Counsel

Respondents - 2 to 5: Mr.R.Bharath Kumar

O R D E R

With the consent of both sides, this writ petition is taken up for final disposal.

2. This writ petition has been filed to quash the demand notice dated 02.02.2021, issued by the fifth respondent and to direct the respondents to collect water charges, as per the allotment made to the petitioner, as in the case of other scheme area.

3. The case of the petitioner is that in the year 2008, he was allotted a flat R-9, No.160, PVR Road Scheme, Chennai - 78 under the jurisdiction of Executive Engineer, K.K.Nagar Division and he occupied the same till 2020. Since the entire PVR Road scheme area was in a dilapidated condition, the Government issued an order in G.O.Ms.No.21, Housing and Urban Development Department dated 29.01.2013, in and by which, it was decided to demolish the same and construct new flats, after evicting the occupants therein. Pursuant to the said order, the respondents issued notice to the petitioner and other occupants, directing them to vacate the premises and hand over the same to the respondents. The respondents also allotted alternative premises at Padikuppam scheme area at Padikuppam which comes under the jurisdiction of the fourth respondent. Accordingly, the petitioner was allotted a flat bearing No.G/4D, 272, Padikuppam Scheme Area, Padikuppam vide order dated 16.07.2020, bearing No.GR2/37212/2017 issued by the third respondent. In the said allotment order, it was stated in clauses 3 & 4 as follows:

"3. The Allottee should pay a sum of Rs.500/- in D.D. to in favor of Managing Director/Chairman Tamil Nadu Housing Board towards Electricity Deposit before



WEB COPY

taking over the apartment.

4. The Allottee should pay water charges of Rs.50/- per month separately directly to the concerned Division Office of Tamil Nadu Housing Board."

4. It is the grievance of the petitioner that he occupied the aforesaid flat at Padikuppam scheme area only in the month of August 2020, but, even before that, from 01.05.2020 onwards, he has been paying a sum of Rs.4,662/- towards Notional Rent, Rs.500/- towards Electricity Consumption Charges and Rs.50/- towards Water Charges. While so, the fifth respondent vide notice dated 02.02.2021, directed him to pay a sum of Rs.400/- per month, towards mobile water supply to the Padikuppam scheme area. Aggrieved by the same, the petitioner and other allottees have made a representation dated 20.02.2021, to the respondents 1 to 4, requesting them to withdraw the said demand notice issued by the fifth respondent. Finding no response on the same, the petitioner has come up with this writ petition for the relief stated supra.

5. Heard the learned counsel on both sides and perused the materials placed before this Court.

6. Considering the limited relief sought by the petitioner, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the representation dated 20.02.2021 given by the petitioner and other allottees of the Padikuppam Scheme Area and pass appropriate orders on merits and in accordance with law, preferably, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as any other interested parties.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrr



To

1. The Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
D.No.493, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Deputy Secretary (Revenue),
O/o. Managing Director,
Tamil Nadu Housing Board,
D.No.493, Anna Salai, Nandanam,
Chennai - 600 035.
4. The Executive Engineer and Administrative Officer,
Anna Nagar Division,
Tamil Nadu Housing Board,
Chennai - 600 101.
5. The Assistant Engineer,
Padikuppam Scheme Area,
Tamil Nadu Housing Board,
Anna Nagar Division, Thirumangalam,
Chennai - 600 101.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.47396

+1cc to M/s.R.Bharath Kumar, Advocate, S.R.No.47455

+1cc to the Government Pleader, S.R.No.47561

W.P.No.17480 of 2021

VSN-II (CO)
SU(05/10/2021)