



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.5007 of 2011

M.P.No.1 of 2011

V.Dorai

... Petitioner

Vs.

1. The State of Tamil Nadu represented by,
Secretary to Government,
Housing and Urban Development Department
Fort St.George,
Chennai - 600 009.
2. The Revenue Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Pensions pay office,
Chennai - 6.
4. The Accounts General (A & E)
Tamil Nadu,
Chennai - 600 018.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of G.O.Ms.No.35, dated 11.02.2011, Housing and Urban Development (OP1-1) Department quash the same and direct the first respondent to regularise the payment of rent for the overstayed period of the petitioner at the rate of Rs.1,897/- per month as decided to Deena Dayalan.

For Petitioner : Mr.S.N.Subramani

For R1 : Mr.M.Rajendhiran
Additional Government Pleader

For R2 : Mr.R.Bharath Kumar, Standing Counsel

For R4 : Mr.V.Vijaya Shankar



O R D E R

Challenging the impugned order of recovery passed by the Government towards panel rents for overstay in the Government accommodation, the petitioner has approached this Court.

2.The petitioner was appointed as a typist in the year 1976 and attained the age of superannuation on 31.10.2007. After retirement, he sought for extension of allotment of rental accommodation till 31.03.2008 and by considering the fact that his son was studying +2, extension was granted and he was permitted to stay at concessional rate till 31.03.2008. Thereafter, he was re-appointed as Land Acquisition Consultant in the Office of the District Revenue Officer (L.A) Tamil Nadu Housing Board on contract basis for the period of six months vide its appointment order dated 10.01.2008. Again, the said service as consultant was extended for a further period of six months by order dated 30.07.2008.

3.In the meanwhile, the petitioner sought extension of the rental accommodation at the concessional rate. But, it was denied by the second respondent by his letter No.AVP.4/58942/07, dated 18.09.2008. Even thereafter, by letter No.PNT.4/10546/2007, dated 23.01.2009, his service was extended for the period of six months from 11.01.2009. The petitioner again made representation for extension of allotment of the rental accommodation, however, by letter No.23863/ANM 1-1/09-5, dated 19.02.2010, he was directed to pay a sum of Rs.2,73,986/- towards the panel rent payable for the period between 01.04.2008 to 30.04.2009. The first respondent in G.O.Ms.No.35 Housing and Urban Development Department, dated 11.02.2011, has ordered recovery of the amount in installments. Challenging the same, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would contend that the petitioner was appointed as a consultant in the office of the District Revenue Officer (L.A) Tamil Nadu Housing Board on 10.01.1998, services were extended periodically. Therefore, his reappointment should have been considered for extension rental accommodation, however, it was not done but as per the counter filed by the third respondent, the last rent paid by the petitioner was Rs.1,897/-. The second respondent is entitled to recover three times of last rent as panel rent, whereas, it was calculated as Rs.18,027/- per month and a sum of Rs.2,98,647/- was demanded. The demand made by the Housing Board is exorbitant and therefore, the order is liable to be set aside.



5. Admittedly, the petitioner was not permitted by the Government to continue in the rental accommodation under concessional rate. After retirement if that extension was not granted by the Government, it is incumbent on the any Government employee to pay the panel rent as may be fixed by the second respondent. There shall not exceed three times normal rent payable by the Government servants.

6. There is an actual dispute with regard to the last rate of rent between the parties. According to the petitioner, the rent was Rs.1,897/- per month, on the other hand according to the second respondent the rent was Rs.6,009/- per month. But there is no dispute that only three times normal rent shall be calculated as panel rent. Therefore, a direction is given to the second respondent to verify as to the last rate of rent calculated from the petitioner and to fix the quantum of recovery, after adjusting what ever payment made by the petitioner.

7. With these above direction, writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Dua

To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department
Fort St.George, Chennai - 600 009.
2. The Revenue Officer,
Tamil Nadu Housing Board,
493, Anna Salai, Nandanam,
Chennai - 600 035.
3. The Pensions pay office,
Chennai - 6.



4. The Accounts General (A & E)
Tamil Nadu, Chennai - 600 018.

+1cc to Mr.S.N.Subramani, Advocate, S.R.No.16931
+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.17391
+1cc to Mr.V.Vijaya Shankar, Advocate, S.R.No.16887
+1cc to the Government Pleader, S.R.No.17434

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RSV[co]
NSK/02/06/2022