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W.P.No.8736 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

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The HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.8736 of 2020 and W.M.P. No.10597 of 2020

1.Sakthivel
2.Jawahar Mangalakaran
3.S.Selvaraj

... Petitioners

VS

1.The State of Tamil Nadu,
rep. by Principal Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.

2.The Tamil Nadu Housing Board,
rep. by Managing Director,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.

3.The Executive Engineer,
Foreshore Estate – Division,
Tamil Nadu Housing Board,
Nandanam,
Chennai – 600 035.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records relating to the notice in letter No.Pa.Paa.Koo/065/2017 dated 30.01.2020 on the file of the third respondent and quash the same as arbitrary and



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direct the respondents to collect the rent prior to the notice dated 30.01.2020 from the petitioners concern.

For petitioners : Mr.S.Aravind Raj

For respondents : Mr.S.Ravi Kumar,
Special Government Pleader for R1

Mrs.C.Shyaamala,
Standing Counsel for R2 and R3

ORDER

The petitioners have challenged the enhancement of rent for the respective shops, located in the Tamil Nadu Housing Board, No.35, Oliver Road, Mylapore, Chennai-4 by the impugned proceedings dated 30.01.2020 on the ground that an arbitrary revision has been made for enhancement by the respondents.

2.Learned Standing Counsel for the respondents 2 and 3 Housing Board has placed before this Court a Rental Arrears Statement, payable by the respective petitioners as on 01/2023.

3.As seen from the Rental Arrears Statement dated 01.02.2023, enhancement of rent as per the impugned proceedings dated 30.01.2020 has been reduced.



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4.Learned Standing Counsel appearing for the respondents 2 and 3

also would submit that the second petitioner has already vacated the premises, namely No.35, Oliver Road, Mylapore, Chennai-4. The same is also not disputed by the learned counsel for the petitioners.

5.Learned counsel for the petitioners would also submit that if sufficient time is granted for the petitioners 1 and 3 to pay the arrears of rent as per the above Statement dated 01.02.2023, filed by the third respondent before this Court, the petitioners 1 and 3 will pay the said amount.

6.Learned Standing counsel appearing for the respondents 2 and 3 has not raised any serious objection if time is given for paying the arrears of rent by the petitioners 1 and 3 as per the Statement dated 01.02.2023, submitted by the Executive Engineer, Foreshore Estate Division, which is placed on record before this Court today.

7.This Court is of the view that no prejudice would be caused to any of the parties and that too when the respondents have not raised any serious objection, if the petitioners 1 and 3 are allowed to pay the arrears



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of rent as specified in the Rental Arrears Statement dated 01.02.2023, submitted by the Executive Engineer, Foreshore Estate Division in two months time.

8.After hearing the rival submissions, this writ petition is disposed of by directing the petitioners 1 and 3, namely R.Sakthivel and S.Selvaraj to pay the respective arrears of rent namely, Rs.79,582/- and Rs.78,000/- respectively within a period of two months from the date of receipt of a copy of this order. Till then for a period of two months, the respondents are directed not to take any coercive steps against the petitioners 1 and 3. No further extension can be sought for by the petitioners 1 and 3 for making the payments as stated supra. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2023

vga



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ABDUL QUDDHOSE, J.

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