



WEB COPY



W.P. No.9619 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.9619 of 2020

and

W.M.P. Nos.11772 and 11753 of 2020

1. Karnan
2. Saravanan
3. Komala Devi *
4. John Martin

* Cause title amended vide

Order dated 01.09.2020

made in W.M.P. No.14507 of 2020

...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



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, 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 3rd respondent and quash the same as arbitrary and direct the respondents collect the rent prior to the notice dated 30.01.2020 from the petitioners concern.

For petitioner : Ms. M. Mayadevi
for M/s.A.Vinu Pradha

For respondents : Mr. V. Manoharan,
Addl. Govt. Pleader for R1
Ms.C. Shyamala for R2 & R3

ORDER

This writ petition has been filed to quash the notice in No.Pa.Paa.Koo/065/2017, dated 30.01.2020 on the file of the 3rd respondent and for consequential direction to the respondents to collect the rent prior to issuance of the said Notice.

2. The short facts leading to the filing of this writ petition is that petitioners, who are allottees / tenants of Tamil Nadu Housing Board rental quarters. It is averred that the 2nd respondent has constructed two blocks viz., A and B at Oliver Road, Chennai and pursuant to issuance of G.O. Ms. No.118, Housing and Urban Development (HB5-2) Department, dated 04.07.2017, petitioners were directed to pay rent,



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which is stated to be exorbitant, Maintenance charges as well as water charges etc., While so, on 30.01.2020, the 3rd respondent has issued a Notice, which is impugned herein, thereby again directed the petitioners to pay rent and other cost at the rate of 14.15/- per sq. ft., (enhanced rate) with effect from 01.02.2020. Challenging the same, this writ petition has been filed by petitioners seeking for quashment of the impugned Notice, dated 30.01.2020.

3. Learned counsel for petitioners submits that without giving an opportunity to show cause, the 3rd respondent has enhanced the rent, payable by petitioners, which is arbitrary and illegal. Therefore, he submits that the enhancement of rent without grant of opportunity and also without any maintenance of the building is bad in law. On that score, he prays for quashment of the impugned Notice, dated 30.01.2020 issued by the 3rd respondent as well as for issuance of consequential directions in the above regard.

4. Learned counsel for the respondents 2 and 3 fairly submitted that during the pendency of this writ petition, the respondent / Housing Board has revisited the impugned order, dated 30.01.2020 and reduced the rate of rent from 14.15% to 9.76% . Also, he submitted that the 4th



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petitioner was a prompt payer and there was no claim pending against him. Hence, he prays for issuance of appropriate directions to the petitioners 1 to 3 to pay the arrears of rent, within a short time to be fixed by this Court.

5. Replying to the submission made by the learned counsel for the respondents 2 to 3, the learned counsel for the petitioner, submitted, on instructions, that the petitioners 1 to 3 are ready to pay the reduced rate of rent and this Court may issue appropriate directions.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the fair submissions made by the learned counsel on either side, this Court directs the petitioners 1 to 3 to pay the rent as well as arrears if any, at the reduced rate of rent as agreed by the respondent/Housing Board, to the respondent/ Housing Board, within a period of four weeks from the date of receipt of a copy of this order. Further, the aforesaid submission, with regard to no due as against the 4th respondent is recorded. Also, it is made clear that no further time extension can be sought for by the petitioners 1 to 3 for making the said payments.



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8. With the aforesaid directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Revenue Divisional Officer,
Ambattur Taluk,
Ambattur,
Thiruvallur District.

3. The Tahsildar,
Madavaram Taluk Office,
Madhavaram,
Thiruvallur District.

4. The Tahsildar,
Aminjekarai Taluk Office,
Aminjekarai,
Chennai – 107.



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M.DHANDAPANI, J.

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