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W.P.No.31070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 31.07.2023

Pronounced on : 14.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.31070 of 2022
and WMP.No.30493 of 2022

Sanjeev Thakur

... Petitioner

Vs.

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 Chief Engineer (City)

Tamil Nadu Housing Board
CMDA Complex, E&C Market Road
Koyambedu, Chennai - 600 107.



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5.The Executive Engineer and
Administrative Officer

Anna Nagar Division
Tamil Nadu Housing Board
Chennai - 600 101.

6.The Assistant Engineer
Padikuppam Scheme Area
Anna Nagar Division
Tamil Nadu Housing Board
Chennai - 600 040.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the rejection order in Letter No.TC3/6710/2019 dated 24.12.2021 on the file of the fourth respondent and 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 and pass orders.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.V.Manoharan
Additional Government Pleader for R1

Mr.D.Veerasekaran
Standing Counsel for TNHB [R2 - R6]

ORDER

The petitioner is an allottee of a rental quarters of the TNHB, the respondent herein. As per the allotment dated 16.07.2020, the allottee is required to pay



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water charges of Rs.50 per month separately besides the rent. Subsequently, the TNHB has issued a proceedings dated 02.02.2021 requiring each of the allottees to pay a sum of Rs.400 per mensum towards water charges.

2. The petitioner appears to have submitted a detailed representation to the Authorities concerned for reconsidering the increase in the levy of water charges. Since his representation was not acted upon, the petitioner has approached this Court with W.P.No.17480 of 2021 and this Court Vide its order dated 16.09.2021 had directed the authorities to consider the petitioner's representation. This was done by the TNHB and Vide its proceedings dated 24.12.2021, the 4th respondent-TNHB communicated that the request of the petitioner could not be considered. This proceeding is now under challenge.

3. In his petition, the petitioner contends that he is working as an Office Assistant in the High Court, that he was paying only Rs.3,600/- p.m. as rent and the increase of water charges from Rs.50/- to Rs.400/- p.m. is against the contractual term besides being arbitrary.



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4. In the counter filed by the 4th respondent, the respondent has raised only three significant grounds of objections:

- a) That the respondent Board is only collecting the cost incurred for providing water supply by purchasing water through mobile water tankers from CMWSSB. In other words, Respondent/Board is not trying to make any profit out of it.
- b) If the prayer of the writ petitioner is accepted, it will open a flood gate of such demands, and which would imply that the respondent might have to incur loss for providing water supply.
- c) Tamil Nadu Housing Board, established under the Act of State Legislature viz Tamil Nadu Housing Board Act, 1961, is accountable to various public authorities including State Legislature.

5. Heard both sides. In the course of arguments, this Court's notice was brought to an order of the learned Single Judge of this Court in Contempt Petition No.745 of 2023 in W.P.No.11155 of 2011, vis-a-vis a similar tenants of the apartment in Thirumangalam. That was a case where the respondent



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had made a demand for Rs.800/- (approximately) per month as monthly water supply charges. In its order dated 23.06.2023 in Contempt Petition No.745 of 2023, which arose on allegation of non-compliance with the order of the Court in W.P.No.11155 of 2021, dated 01.02.2022, the learned Judge had fixed it at Rs.500/- per month and also directed that dedicated lines must be provided by Metro Water, which alone will solve the issue.

6. The present tenement is in Padikuppam, which is not far away from Thirumangalam, and the charges now demanded is only Rs.400/- per month. According to the counsel for the petitioner, it is not transparent how the respondent has arrived at this figure Rs.400/- per month per individual tenement. The counsel for the respondent submitted that ideally the occupants of the apartments themselves might procure water directly through tankers, in which case, they will have optimum transparency in the matter, and that they will also have choices of tankers to choose.

7. As earlier said, the tenements in Padikuppam is not far away from the one at Thirumangalam, and the water charges demanded now is less than what it was fixed by the learned Single Judge for the tenements at Thirumangalam.



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But the ideal solution is for the Metro Water to provide a dedicated line or lines to the tenement in Padikuppam residential quarters run by the TNHB, and the respondent is directed to explore the possibilities of providing a dedicated water line.

8. This Court does not intend to interfere with the demand for Rs.400/- now made. There however, is an incidental issue which relates to payment of arrears. Since the petitioner and other similar placed allottees are lower rung staff of the High Court or the Government, this Court deems it appropriate to collect the arrears in 24 equal monthly installments.

9. This petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023

Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

tsg/ds



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N.SESHASAYEE.J.,

ds

Pre-delivery order in
W.P.No.31070 of 2022

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