



WEB COPY

W.P.No.6450 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 23.01.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.6450 of 2020**

**and**

**W.M.P.Nos.7614 & 7615 of 2020**

1.Ramesh

2.Kareem Bai

3.Balamurugan

4.Samsudeen

5.Mrs.Rani

... Petitioners

Vs.

1.The Tamil Nadu Housing Board,  
493, Anna Salai, Nandanam,  
Chennai 600 035.

2.The Superintending Engineer,  
The Tamil Nadu Housing Board,  
World Bank Scheme,  
Anna Nagar Division, Chennai 600 040.

3.The Executive Engineer / Administrative Officer,  
The Tamil Nadu Housing Board,  
K.K.Nagar Division,  
Anna Nagar, Chennai 600 040.



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4.The Deputy Commissioner of Police,  
Anna Nagar District,  
Anna Nagar, Chennai.

5.The Assistant Commissioner of Police,  
Anna Nagar Police Range,  
Anna Nagar,  
Chennai.

6.The Inspector of Police (Law & Order),  
K-8 Arumbakkam Police Station,  
Arumbakkam, Chennai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 for revising the rent for petitioners shops in the Open Market at Arumbakkam to a reasonable level on the basis of the representation dated 28.02.2020 and consequently permit the petitioners to pay the rent for the respective shops at the revised rates even for the past months.

For Petitioners : Mr.S.M.Muralidharan

For R1 to R3 : Mr.D.Veerasekaran  
Standing Counsel  
[For TNHB]

For R4 to R6 : Mr.P.Balathandayutham  
Special Government Pleader



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## **ORDER**

The relief sought for in the present writ petition is to direct the respondents 1 to 3 for revising the rent for petitioners shops in the Open Market at Arumbakkam to a reasonable level on the basis of the representation dated 28.02.2020 and consequently, permit the petitioners to pay the rent for the respective shops at the revised rates even for the past months.

2. The relief as such sought for cannot be granted, since the petitioners are bound to comply with the lease conditions. Enhancement of rent is to be made as per the lease conditions and based on the policy decision of the Tamil Nadu Housing Board. Therefore, any fixation of rent or enhancement of rent regulated by the Tamil Nadu Housing Board is to be adopted and such rent fixed is to recovered from the lessee.

3. Learned Standing Counsel appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that the petitioner is a defaulter and yet to pay the rental arrears. The petitioner is at liberty to settle the arrears of rent failing which the respondents shall proceed with further action to recover



the arrears of rent.

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4. However, this Court by exercising the powers of judicial review cannot direct the respondents to fix the rent as desired by the petitioners.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

**23.01.2024**

Jeni  
Index : Yes  
Neutral Citation : Yes  
Speaking order / Non-speaking order

To

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**S.M.SUBRAMANIAM, J.**

Jeni

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