



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13535 of 2020

and

W.M.P.Nos.16772 to 16774 of 2020

- 1.P.Nilaventhan
- 2.S.Muthumani
- 3.S.Palaniappan
- 4.P.Vijayalakshmi
- 5.V.Arun Kumar
- 6.G.Natesan
- 7.Dhanalakshmi
- 8.Kalaichelvi
- 9.Durai
- 10.Jothikumar S
- 11.Balasubramanian
- 12.Thangam Pichai S
- 13.Vellaiswamy M
- 14.K.N.Shenbagavalli
- 15.C.Ravi
- 16.Ananadanayagam
- 17.R.Suresh Kumari



18.R.Vijayaragavan

19.R.Mahmooda

20.Kotravel R

21.Mariyappan

22.A.Hameed

23.R.Ranganathan

24.Santhosh Philips

25.Emanuel P

26.C.R.Raja Reddy

27.S.Karthikeyan

28.A.Mohamed Hussain

29.K.A.Asokan

30.Abbas A K

... Petitioners

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Housing Urban Development Department,
Fort St. George,
Chennai 600 009.

2.Tamil Nadu Housing Board,
Represented by its Managing Director,
Nandanam, Chennai 600 035.

3.The Executive Engineer and
Administrative Officer,
CIT Nagar Redevelopment Scheme Division,
Tamil Nadu Housing Board,
485, MTB Building, Nandanam,
Chennai – 600 035.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent not to demand enhanced rent from the petitioners on the basis of the rent fixed in G.O.Ms.No.118, Housing and Urban Development dated 04.07.2017 as the said Government order is not applicable to the direct public quota allottees.

For Petitioners	: Mr.K.K.Senthilvelan Senior Counsel For M/s.Gnanadesikan Law Asso.
For R1	: Mr.G.Krishna Raja Additional Government Pleader
For R2 & R3	: Mr.D,Veerasekaran Standing Counsel [For TNHB]

ORDER

The writ has been instituted to direct the 2nd respondent not to demand the enhanced rent from the petitioners based on the G.O.Ms.No.118, Housing and Urban Development dated 04.07.2017. Since the said Government order is not applicable to the direct public quota allottees of the Tamil Nadu Housing Board residential apartments.



WEB COPY

2. All the petitioners are the tenants and in occupation of the Tamil Nadu Housing Board apartments in Lloyds Colony Royapetta Chennai – 14 , which is situated in the heart of the Chennai City. The petitioners are the allottees of public quota and the Government has taken a decision to enhance the rent for Government servants, who all are in occupation of the Tamil Nadu Housing Board apartment vide G.O.Ms.No.118 dated 04.07.2017. The said Government order was adopted by the Tamil Nadu Housing Board by passing a resolution and accordingly, the enhanced rent was communicated to the occupants of the Tamil Nadu Housing Board flats under the public quota. The Government revised the rent by constituting a special Team consisting of DRO / Chief Revenue Officer as Chairman and Financial Adviser, Chief Engineer (City), Chief Engineer (Moffussil), Superintending Engineer, Chennai City as members. Based on the recommendations of the Committee rent prevailing was enhanced considering the market rental value prevailing in that locality. The said Government order issued was adopted by the Tamil Nadu Housing Board by passing a resolution and accordingly, implemented to the occupants of the Tamil Nadu Housing Board apartments under the public quota.



WEB COPY

3. The learned counsel for the petitioners mainly contended that the rent enhanced is exorbitant and more so, the Government order issued in G.O.Ms.No.118 dated 04.07.2017 is not applicable to the occupants under public quota. The Government enhanced the rent for the Government servants occupying the Tamil Nadu Housing Board apartments and the said order cannot be extended to the occupants under the public quota.

4. The issues in this regard are no more *res integra* as the Hon'ble Division Bench of this Court has considered the very same issue with reference to the G.O.Ms.No.118 dated 04.07.2017 in W.A.Nos.535, 131, 133, 138, 140 and 141 of 2019 dated 22.04.2019 and the relevant portion of the judgment reads as under:

“6. The learned Standing Counsel for the respondent-TNHB has brought to our notice that the Government servants who have been allotted quarter under the Tamil Nadu Government Rental Housing Scheme (TNGRHS) are paying three times more than the rent payable by the appellants who have secured allotments under “Public quota”. Furthermore, it is the submission of the learned counsel that all the appellants are in arrears of rent and they have not paid the increase with



WEB COPY

W.P.No.13535 of



effect from 1993 onwards. Further, the stand of learned Standing Counsel is that there is no discrimination and all the public quota allottees have been uniformly informed about the increase in rent and considering the location of the property and other facilities in an around the area, the increase in rent is reasonable, just and proper.

7. Assuming the appellants had taken on rent a private accommodation, the Landlord is entitled to revise the monthly rent and is entitled to seek for fair rent. The position becomes no different merely because the State Government or the Tamil Nadu Housing Board is the owner of the property. The appellants have enjoyed Government accommodation all these years and they are bound to pay the rent which has been found to be reasonable by the learned Single Bench which also appeals to us and we find no ground to interfere with the order and direction issued by the learned Single Bench.

8. With regard to the plea of discrimination raised by the appellants, we direct the respondents to uniformly apply the Government Order to all



WEB COPY

W.P.No.13535 of



the 'public quota' allottees and there shall be no discrimination in implementing the revised rent. The appellants may be granted reasonable time to settle the arrears subject to the condition that they start paying increased rent prospectively.”

5. The learned Standing Counsel appearing on behalf of the Tamil Nadu Housing Board made a submission that the most of the Government servants have already vacated the building, since there is a proposal to demolish the old Tamil Nadu Housing Board apartments and construct new building. The Board is initiating action to vacate all other occupants for the purpose of commencing a new project in that locality, since the existing buildings are very old and in a bad condition.

6. The enhancement of rent cannot found to be arbitrary or illegal. The power vest with the Tamil Nadu Housing Board to enhance the rent in commensuration with the market value need not be interfered with by the High Court in exercise of the powers of the judicial review under Article 226 of the Constitution of India. It is a contractual obligation between the parties and the petitioners being tenants have agreed for such enhancement of rent, since it is a condition in the allotment order. More so, enhancement of rent



was made by way of policy decision and that being so, the relief as such sought for cannot be granted.

WEB COPY

7. For all these reasons, the petitioners are directed to settle the arrears of rent to the Tamil Nadu Housing Board within a period of two (2) weeks from the date of receipt of a copy of this order, failing which the respondents shall initiate all further action to evict the petitioners and recover the arrears of rent by following the procedures.

8. However, the learned Standing Counsel for the respondents 2 and 3 made a submission that the revised rent will be quoted as per the revised rent as applicable.

9. With the above said directions, this Writ Petition stands dismissed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

04.01.2024

Jeni
Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order



W.P.No.13535 of

To

- 1.The Secretary,
Government of Tamil Nadu,
Housing Urban Development Department,
Fort St. George,
Chennai 600 009.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai 600 035.
- 3.The Executive Engineer and
Administrative Officer,
CIT Nagar Redevelopment Scheme Division,
Tamil Nadu Housing Board,
485, MTB Building, Nandanam,
Chennai – 600 035.



WEB COPY



W.P.No.13535 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.13535 of 2020

04.01.2024