



WEB COPY

W.P.No.16298 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.16298 of 2021
and
W.M.P.No.17257 of 2021

K.Chelladurai

... Petitioner

Vs.

- 1.The Secretary to Government,
Housing and Urban Development,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Tamil Nadu Housing Board,
Represented by its Managing Director,
No.493, Anna Salai,
Chennai – 600 035.
- 3.The Tamil Nadu Housing Board,
Represented by its Deputy Secretary (Revenue),
No.493, Anna Salai,
Chennai – 600 035.
- 4.The Tamil Nadu Housing Board,
Represented by its Chief Revenue Officer,
No.493, Anna Salai,
Chennai – 600 035.



W.P.No.16298 of 2

5.D.Padmajothi
(R-5 impleaded *vide* order dated 08.02.2024
in W.M.P.No.22668 of 2021 in W.P.No.16298 of 2021)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 2 to 5 from in any manner evicting or interfering with the possession and allotment of the petitioner in the premises N-Block, No.5, Lloyds Colony, Royapettah, Chennai – 600 014, pursuant to the order of eviction in No.Va.Va.P1/25666/2014 dated 27.01.2021 pending disposal of the statutory appeal, on the file of the 1st respondent herein in Ref.No.2372/LA2/(1)/2021-2 dated 16.02.2021.

For Petitioner	: Mr.R.Saravanakumar
For R1	: Mr.S.J.Mohamed Sathik Government Adocate
For R2 to R5	: Mr.D.Veerasekaran Standing Counsel for TNHB
For R6	: Mr.TN.Buvaneswaran

ORDER

The relief sought for in the present writ petition is to forbearing the respondents 2 to 5 from in any manner evicting or interfering with the possession and allotment of the petitioner, in the premises situated at N-Block, No.5, Lloyds Colony, Royapettah, Chennai – 600 014, pursuant to the order of eviction in No.Va.Va.P1/25666/2014 dated 27.01.202, pending disposal of the statutory appeal, on the file of the 1st respondent herein in Ref.No.2372/LA2/(1)/2021-2 dated 16.02.2021.



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2. The petitioner states that he is an allottee of the premises situated at N-Block, No.5, Lloyds Colony, Royapettah, Chennai – 600 014. The allotment was made on 24.03.2009 for the monthly rent of Rs.1,588/-. The petitioner was a legal advisor of TNHB and in that capacity he could able to secure an allotment in the TNHB rental building.

3. Mr.D.Veerasekaran, learned Standing Counsel for the Board would contend that the petitioner is a chronic defaulter in payment of rent. The demand made by the Housing Board also went in vain. The Lawyer who represent the Tamil Nadu Housing Board and secured an allotment of TNHB residential rental house has not even paid the monthly rent, at no circumstances be appreciated and the conduct of the Lawyer deserves to be deprecated.

4. The rent has been enhanced by the Government in G.O.Ms.No.118 dated 04.07.2017. The said Government Order came to be challenged in a writ proceedings and the matter went an appeal in W.A.Nos.535 of 2019 and etc. The relevant portion of the order 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 (RTGRHS) 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 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 considered 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 the 'public quota' allottees and there shall be no discrimination in implementing the revised rent. The appellants may be granted reasonable time to settle arrears subject to the condition that they start paying increased rent prospectively.”

5. Curiously, the petitioner/allottee sub-let the Housing Board premises in favour of the third party and subsequently evicted. Thus, the petitioner has further committed violations of the procedures stipulated in the allotment order. Since, the petitioner is a defaulter in payment of monthly rent to the Board and the enhanced rent demand also has not been settled by the petitioner in favour of the Board, he is not entitled for any relief .

6. Thus, the respondents are directed to take immediate action to evict the petitioner and take over possession Housing Board property immediately, without causing undue delay. Further, the respondent/Board is empowered to recover the arrears of rent by following the procedures as



contemplated.

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7. With these directions, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

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S.M.SUBRAMANIAM, J.

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