



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.3994 and 4002 of 2021

and

W.M.P.Nos.4558, 4560 and 4567 of 2021

1. Mohankrishna Rao
2. S. Kavitha
3. Thayumanasamy
4. Uma Mageswari
5. C. Ravi
6. K. Kumaresan
7. J. Jamuna Rani
8. G. Dharmaraj
9. S. Kavitha Meena
10. C. Shanthi
11. G. Saraswathy
12. Sivanandam
13. A. Murugaiah
14. Chudalayandi
15. N. Veerakumar
16. S. Selvamani

... Petitioners in W.P.No.3994 of 2021

R.Murugan

... Petitioner in W.P.No.4002 of 2021



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 in both W.Ps

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of declaring that the rent fixed in G.O.Ms.No.118, Housing and Urban Development HB 5-2 dated 04.07.2017 is not applicable to the petitioners.

For Petitioner : M/s.V.Meenakshi
for M/s.Gnanadesikan Law Associates
(in both WPs)

For R1 : Mr.C.Meena Arumugam,
Additional Government Pleader
(in both WPs)

For R2 & R3 : Mr.D.Veenasekaran,
SC for TNHB (in both WPs)



COMMON ORDER

The writ petitions have been instituted to declare that the rent fixed in G.O.Ms.No.118, Housing and Urban Development dated 04.07.2017 is not applicable to the petitioners.

2. With reference to the relief sought for in the present writ petition, the issues raised are no more *res integra* and the Hon'ble Division Bench of this Court held that the Government order issued in G.O.Ms.No.118 dated 04.07.2017 is valid and accordingly the tenants under the Tamil Nadu Housing Board is liable to pay the enhanced rent.

3. The Hon'ble Division Bench upheld the validity of G.O.Ms.No.118 dated 04.07.2017 this Court in W.A.Nos.535, 131, 133, 138, 140 and 141 of 2019 dated 22.04.2019. 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



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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 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 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.”

4. Following the Hon'ble Division Bench judgment this Court also considered the enhancement of rent demanded by the Housing Board to the tenants in W.P.No.14999 and 2020 dated 04.01.2024 and the relevant portion of the order reads as under:

“12. Considering the fact that the issues were already decided by the Hon'ble Division Bench in common judgment dated 22.04.2019 in writ appeal in W.A.Nos.535 of 2019 and etc., (stated supra), the present writ petitions deserve to be rejected. The enhancement of rent was made considering the hike in the market rent prevailing in Chennai city and based on the Government



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orders. Further, the buildings are also in dilapidated condition and not fit for dwelling purpose. The occupants are residing at their own risk and some of the flats were sealed and some sublet and the allottees have not paid the enhanced rent.

13. The respondent / Board has informed that the apartments are in dilapidated condition and not fit for dwelling purposes. In any event, the enhancement of rent cannot be found to be arbitrary or illegal and the power to enhance the rent vest with the Tamil Nadu Housing Board has been exercised based on the Government order and thus, the actions of the Board are well within its powers. The Hon'ble Division Bench of this Court confirmed the said decision taken by the Board for enhancing the rent and the said judgment is binding on this Court.

14. For all these reasons, these Writ Petitions stand dismissed. The petitioners / occupants are directed to settle the arrears of rent within a period of two (2) weeks from the date of receipt of a copy of this order, failing which the Board is at liberty to initiate all appropriate



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actions to evict the petitioners and to recover the arrears of rent due to the Tamil Nadu Housing Board. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.”

5. In view of the judgment of the Hon'ble Division Bench and this Court, the relief as such sought for to declare that the rent fixed in G.O.ms.No.118 is not applicable to the petitioners, cannot be granted and consequently, the Writ Petitions stand dismissed. No costs. Connected Miscellaneous Petitions are closed.

06.02.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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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,
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W.P.Nos.3994 and 4002 of 2





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S.M.SUBRAMANIAM, J.

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