



WEB COPY



W.P.No.21813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

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TNHB Unity Flat Owners Association Sholinganallur
Represented by its Secretary Mr.K.Jayakumar,
Utility Block, TNHB 1500 MSB Flats, Phase II,
TNHB Main Road, Sholinganallur,
Chennai-600 119.

... Petitioner

Vs.

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

2.The Manager
Marketing and Service
Besant Nagar Division,
Tamil Nadu Housing Board,
Chennai-600 020

3.The Chief Engineer (City),
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Road,
Koyambedu,
Chennai-600 107



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4.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Besant Nagar Division,
Chennai-600 020

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.06.2023 and drop the claiming of enhanced amounts from the flat owners in Phase II TNHB 1500 MSB Flats Sholinganallur, Chennai-600 119 and execute the sale deeds for the flats in favour of the individual owners.

For Petitioner : Mr.R.Ananth
for T.N.Rajagopalan

For Respondents : Mr.D.Veerasekaran
for R1 to R4

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The members of the petitioner's association have been individually allotted a separate apartment by the Tamil Nadu Housing Board, Sholinganallur (in short 'TNHB'). Their grievance is that initially, the proportionate plot area and the



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constructed plinth area were indicated and the total cost was arrived at Rs.26,37,000/-. While so, the Housing Board has issued notices to each of them, demanding a higher sale price than what it had originally determined. As per the revised statement obtained through the Right to Information Act, 2005, the proportionate plot area has been increased and the plinth area has been reduced and it arrived at a certain confusion. Therefore, the petitioner has filed a representation dated 21.06.2023 to the TNHB that the claim now made based on the revised statement is not tenable.

3.Mr.D.Veerasekaran, the learned counsel takes notice for respondents 1 to 4, who would submit that since individual notices were given to the members of the petitioner's association, single writ petition filed by the association of their residence cannot be entertained.

4.Since the notices are not under challenge and the petitioner's association only wants to discuss and negotiate with the TNHB, this Court does not consider the objection of the respondents' counsel, need not detain the Court. This Court now directs the respondents or such an official which the first respondent may



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nominate in this regard to give an audience to the members of the petitioner's association *vis-a-vis* the tenability of the notice now made. Until this process is concluded, the respondents will not press for payment on the notice issued. The entire exercise should be completed within a period of four (4) weeks from the date of receipt of an online copy or the date on which the order is hosted in the official website, whichever is earlier.

5.This Writ Petition stands disposed of accordingly with the above directions. No Costs.

25.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

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