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C.M.S.A.No.48 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

C.M.S.A.No.48 of 2024

and

C.M.P.No.14908 of 2024

Gorantla Geosynthetics Private Limited,
Represented by Mr.Praveen Kumar Gorantla,
No.3, 1st Floor, Saraswathi Street,
Mahalingapuram, Chennai – 600 034.

...Appellant

Vs.

1.M/s.Akshaya Signature Homes Private Limited,
Represented by its Director, Mr.J.Ravi
7th Floor, 117/1, LB Road,
Adyar, Chennai – 600 020.

2.S.Seshadri

3.S.Chandrika

...Respondents

Prayer: Civil Miscellaneous Second Appeal filed under Section 100 of Civil Procedure Code, to set aside the order dated 06.12.2023 made in Appeal No.75 of 2023 on the file of learned Tamil Nadu Real Estate Appellate Tribunal (TNREAT) at Egmore, Chennai to the extent of confirming the



order dated 20.07.2023 in C.No.111 of 2022 on the file of the learned Adjudicating Officer, The Tamil Nadu Real Estate Regulatory Authority at Egmore, Chennai.

For Appellant : Mr.Gokul Krishnan

For Respondents : Mr.Mani Sundargopal

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The appellant is aggrieved by the decision of the Tamil Nadu Real Estate Appellate Tribunal (TNREAT) made in Appeal No.75 of 2023.

2. The grievance of the appellant was that it had purchased two apartments and a lumber room. As a purchaser of two apartments the appellant is entitled to four car parks in the car parking area. Contending that two of the car parks that were allotted to the appellant were allotted to the respondents 2 and 3 by the builder and that the respondents 2 and 3 were blocking the usage of the lumber room by the appellant, the appellant moved the Real Estate Authority.



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3. Before the Real Estate Authority the builder admitted that there was a mistake in the allotment of car parks since the Sales In-charge of the respondent at the relevant point of time fell sick and the Assistant mistakenly allotted the two car parks in the lower level basement adjacent to the lumber room purchased by the appellant, which were allotted to the respondents 2 and 3. The 1st respondent builder also offered to allot two other car parks adjacent to the two car parks that are allotted to the appellant in upper basement floor and such allotment was also made. The original Authority recorded the fact that four car parks have been allotted and levied a penalty of Rs.2,00,000/- against the builder. The builder accepted the order and paid the penalty also.

4. The appellant appealed to the Tribunal claiming that he should be allotted the very same car parks which are next to the lumber room. The Tribunal dismissed the appeal on the conclusion that the appellant is entitled to four covered car parks and the appellant have been provided with four covered car parks, only the location has changed. The Tribunal has recorded the fact that the appellant has not suffered any loss or damage due to the



mistake in the allotment of the car parks, which have since been rectified.

Aggrieved the appellant has approached this Court.

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5. We have heard Mr.M.R.Gokulakrishnan, learned counsel appearing for the appellant and Mr.Mani Sundargopal, learned counsel appearing for the 1st respondent.

6. It now turns out that the appellant has been allotted four car parks in the same floor viz., upper basement floor, which are contiguous to each other. The appellant is not aggrieved by the same. The builder has also filed an affidavit before us stating that those car parks have been exclusively allotted to the appellant. Therefore, the main substance of the dispute stands resolved.

7. As regards the lumber room, it is the contention of the appellant right though that it was the respondents 2 and 3 who had prevented the access to the lumber room. The project was completed in the year 2018 and the builder has handed over the apartments and the car parks to the respective owners, therefore, the builder has no control over the activities of



WEB COPY

C.M.S.A.No.48 of 2



the occupants any more. If the respondents 2 and 3 had locked the lumber room it is for the appellant to take appropriate action against them as it is open to him under law by invoking the Tamil Nadu Apartment Ownership Act or any other law for the time being in force.

8. We do not see any substantial question of law arising in this appeal. Therefore, the appeal is **dismissed** with liberty to the appellant to take appropriate action for recovery of the lumber room. The statement of the builder that the four car parks which are allotted to the appellant will stand allotted to the appellant permanently is recorded. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (R.S.V., J.)
29.07.2024

dsa

Index : No
Internet : Yes
Neutral Citation : No
Speaking order



To:-

1.The Tamil Nadu Real Estate Appellate Tribunal (TNREAT),
Egmore, Chennai.

2.The Tamil Nadu Real Estate Regulatory Authority,
Egmore, Chennai.



WEB COPY

C.M.S.A.No.48 of 2



R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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C.M.S.A.No.48 of 2024

29.07.2024