



W.A.No.3353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A.No.3353 of 2023

1.The Managing Director,
Tamil Nadu Housing Board,
9th Floor, CMDA Building,
Koyambedu, Chennai.

2.The Executive Engineer,
TNHB, Anna Nagar Division,
Chennai.

.. Appellants

Vs

1.M/s.Anandham Flat Owners Association,
rep. by its President S.Seran,
Ground Floor, No.96, West Street,
Inner Circular Road,
Kilpauk Garden Colony,
Kilpauk, Chennai-600 010.

2.The Principal Secretary,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order made in W.P.No.27538 of 2022, dated 28.07.2023 and subsequently modified vide order dated 20.9.2023.



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For the Appellants : Mr.P.S.Raman
Advocate-General
assisted by
Mr.D.Veerasekaran

For the Respondents : Mr.S.Vijayakumar
Senior Counsel
for M/s.A.V.Balusamy
for respondent No.1

: R2 – No appearance

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.P.S.Raman, learned Advocate-General, assisted by Mr.D.Veerasekaran, learned counsel for the appellants; and, Mr.S.Vijayakumar, learned Senior Counsel for M/s.A.V.Balusamy, learned counsel for the first respondent.

2. The learned Single Judge has directed the present appellant to execute the sale deed to each of the allottees without claiming the amount towards parking charges. The said order is assailed.



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3. Learned Advocate-General, on instructions, submits that the Tamil Nadu Housing Board is ready to execute the sale deed in favour of the allottees without claiming any additional charges for parking considering the facts and circumstances of the present case. According to learned Advocate-General, the legal issue be kept open.

4. Learned Advocate-General submits that within four weeks the sale deed would be executed.

5. The writ petition was filed only to the extent of executing the sale deed in favour of the members of the first respondent association without claiming additional charges towards parking. The matter is decided upon the facts of the case.

6. As the matter is decided on the basis of the facts only, the legal issue is not debated and is kept open.



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7. The writ appeal, accordingly, stands disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.27359 of 2023 and 4444 of 2024 are closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

17.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

The Principal Secretary,
Housing and Urban Development,
Fort St. George,
Chennai-600 009.



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD,J.

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