



W.P.No.13733 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.06.2025

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.13733 of 2024

AND

W.M.P.No.14899 of 2024

Brindavan Tower Owners Welfare Association

129, Anna Main Road

K.K.Nagar, Chennai 600 078

Rep. by its General Secretary

.. Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Secretary to Government

Housing and Urban Development (HB3(1)) Department

Fort St. George, Chennai 600 009

2.The Managing Director

Tamil Nadu Housing Board

Nandanam, Chennai 600 035

3.The Executive Engineer

Wood Working Unit Division

K.K.Nagar Scheme

Tamil Nadu Housing Board

Thirumangalam, Chennai 600 101

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records in connection with impugned G.O.(Ms.) No.20 dated 24.01.2024, Housing and Urban Development (HB3(1)) Department, quash the same and consequentially forbear the respondents from allotting car parking space pursuant to the impugned order.

For Petitioner : Mr.V.Srikanth
For 1st Respondent : Ms.P.Aishwarya
Government Advocate
For RR2 and 3 : Mr.P.S.Raman, Advocate General
Assisted by Mr.D.Veerasekaran
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned G.O.(Ms.) No.20 Housing and Urban Development (HB3(1)) Department, dated 24.01.2024 and consequently, forbearing the respondents from allotting car parking space, pursuant to the impugned G.O.

2. Heard both sides and perused the materials available on record.

3. The members of the petitioner Association are already agitating a dispute against the Tamil Nadu Housing Board (in short “Housing Board”) on the ground



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that the members had opted for covered car parking and open car parking and whereas, the Housing Board took a decision to allot one car parking for two MIG flats. This went against the promise made by the Housing Board and hence, three individuals filed a writ petition in W.P.No.33835 of 2019. This writ petition came to be dismissed by an order dated 10.01.2024.

4. Pursuant to the above, two Writ Appeals came to be file before this Court in W.A.Nos.833 and 555 of 2024. One writ appeal was filed by the petitioner Association and the other writ appeal was filed by the three individuals, who originally filed writ petitions. These writ appeals are pending.

5. The grievance of the petitioner Association is that when the writ appeals are pending and there is already a dispute with regard to car parking facilities to be provided by the Housing Board, the impugned G.O. came to be passed and a decision was taken to allot 103 unsold flats under public quota. The apprehension raised by the petitioner Association is that if the remaining flats are allotted, it will further aggravate the problem relating to parking space. It is under these circumstances, the present writ petition came to be filed before this Court.

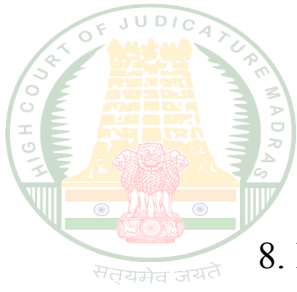


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6. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Advocate General appearing on behalf of the Housing Board and perused the materials available on record.

7. The Housing Board is proceeding further to allot 103 unsold flats. The only apprehension raised is that if those flats are allotted, it will further complicate the issue pertaining to parking space. This issue, by itself, cannot be a ground to restrain the Housing Board from proceeding further to allot the 103 unsold flats. In other words, the petitioner Association does not have a right to stop the Housing Board from allotting the unsold flats. The only issue that is now pending before the Division Bench pertains to the parking space. Therefore, the Housing Board, while allotting the unsold flats, can make it very clear that insofar as parking space is concerned, it will be subject to the final result in the pending appeals in W.A.Nos.823 and 555 of 2024. While granting permission to the Housing Board, the Government has maintained the very same yardstick by providing for one car parking for two MIG flats allotted. Therefore, no special preference has been given to those persons who are going to be allotted the unsold flats.



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8. In the light of the above discussion, it is left open to the Housing Board to proceed further to allot the unsold flats and it must be made clear to the allottees that the car parking space allotted to them will be bound by such final decision. Insofar as utilisation of car parking space is concerned, this safeguard will sufficiently take care of the grievance expressed by the petitioner and also enable the Housing Board to proceed further to allot the unsold flats.

This writ petition is disposed of in the above terms. No costs. Connected W.M.P. is closed.

12.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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To

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2.The Managing Director
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