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W.P.No.18084 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 18084 of 2024

and

W.M.P. No.19882 of 2024

M/s.May Flower Gardens,
Apartment Owners' Association, Rep. By its
President A.T. Rajarajan, Door No. 21/2, Srinivasa
Avenue Road, R.A.Puram Chennai -600028.

..Petitioner(s)

Vs

1. Housing And Urban Development Department,
Rep. By The Secretary, Government Of Tamil
Nadu, Fort St. George, Chennai -600009.
2. The Managing Director,
Tamil Nadu Housing Board, Cmda Complex,
Koyambedu, Chennai -600 107.
3. The Chief Engineer(city),
Tamil Nadu Housing Board, Chennai -600107.
4. The Executive Engineer And Ado,
Tamil Nadu Housing Board, K.K.Nagar,
Division, Chennai -600040.
5. The District Collector,
Chennai -600001.
6. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road, Egmore, Chennai -600008.



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7. The Commissioner,
Greater Chennai Corporation, Park Town,
Chennai -600003.
8. The Thasildar, Mylapore, Village,
Greenways Road, R.A.Puram, Chennai
-600028.
9. Mayflower Gardens Welfare Association,
Srinivasa Avenue Road, R.A.Puram, Chennai
-600028.

..Respondent(s)

PRAYER: To call for the records relating to the impugned orders of the 3rd respondents in his proceedings Letter No.TP1/16616 of 2018 dated 01.07.2022 and the consequential impugned order of the 4th respondent in his proceedings KKN/CO/3318/14 dated 10.10.2022 and to quash the same and direct the respondent 2 to 4 to forthwith hand over the lands utilized by the 2nd respondent for the constructions of board rental flats measuring an extent of 10 grounds to the members of the petitioner and 9th respondent Associations.

For Petitioner(s):	Mr.K.K.Senthil Velan, Senior Counsel for Mr.J.Thomassaransingh
For Respondent(s):	Mr. D.Veerasekaran for R2, R3 & R4. Mrs.V.Yamunadevi, Special Government pleader for R1, R5 & R8. Mr.Akhil Akbar Ali for R6. Ms.P.T.Ramadevi, Standing Counsel for R7. Not ready in notice – R9.



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ORDER

This writ petition has been filed to call for the records relating to the impugned orders of the 3rd respondents in his proceedings Letter No.TP1/16616 of 2018 dated 01.07.2022 and the consequential impugned order of the 4th respondent in his proceedings KKN/CO/3318/14 dated 10.10.2022 and to quash the same and direct the respondents 2 to 4 to forthwith hand over the lands utilized by the 2nd respondent for the constructions of board rental flats measuring an extent of 10 grounds to the members of the petitioner and 9th respondent Associations.

2.The facts of the case in brief is that the petitioner association and the members of the 9th respondent association are the residents of 132 flats constructed in May Flower Gardens Apartment by the Tamil Nadu Housing Board, 40 years back under the R.K.Mutt Scheme and the Tamil Nadu Housing Board has collected an amount of Rs.1,45,00,000/- as market value for the construction of the apartments and the residents of the apartments have become the owners. Subsequently, since the apartment was constructed 40 years back, the flats are in bad and dilapidated condition and there are major structural cracks endangering the lives of occupants and for the reconstruction of the said flats, they have sent a letter seeking for orientation sketch of R.K.Mutt Scheme, to notify about the undivided



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share of the land and to hand over the 19,463 sq.ft., of land to the society and aggrieved by the impugned communications of the 3rd and 4th respondents stating that out of the total extent of 90 grounds, 47 grounds have been used for construction of 132 flats and 13 grounds have been used for 40 feet wide scheme approach road and 3.25 grounds are utilized for Boards rentals Flats Phase – I Scheme and the balance area of 25.89 grounds is utilized by the Tamil Nadu Urban Habitat Development Board as 104 flats and 88 plots and stating that the undivided share is only 28 grounds, the present writ petition has been filed.

3.The learned Senior Counsel appearing for the petitioner association would submit that the petitioner association members and the 9th respondent association are the owners of the May Flower Garden Apartment consisting of 132 flats constructed by Tamil Nadu Housing Board. After construction, the residents had purchased the property and out of the total extent of 90 grounds, the petitioner premises enjoyed to an extent of 49 grounds and 1197 sq.ft., exclusively. However, in between the petitioner's land and the Housing Board premises, a small land was made available and it is made for common usage of the petitioner's association members and the Housing Board tenants which is shown in the rough sketch marked as blue portion and the red portion is retained by the Housing Board



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and the green portion consists of the 132 flats. However, impugned proceedings have been issued by the 3rd and 4th respondents that apart from the construction of apartment, 13 grounds are used for 40 feet wide scheme approach road and 3.25 grounds was used for Boards Rental Flats Phase I Scheme and the balance area of 25.89 grounds utilized by Tamil Nadu Urban Habitat Development Board as 104 flats and 88 plots. Hence, the petitioner has prayed for a direction to give No objection certificate by handing over the lands used for the constructions of board rental flats measuring an extent of 10 grounds to the members of the petitioner and 9th respondent Associations.

4.However, the learned counsel for the respondents submits that at the time of finalization of the scheme extent and selling price of the flat, the respondent-Board has considered an extent of 60.86 grounds, which includes park, C.P.S., Built-up area, internal scheme road and external scheme approach road etc., and it is also submitted that TNGRHS flats were constructed much prior to the subject scheme and the land utilized for TNGRHS flats was not included in the costing of 132 flats and thus, the claim of the petitioner cannot be accepted and hence, sought for dismissal of the petition.



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5.Heard both sides and perused the material available on record.

6.Even it is the admitted case of the petitioner that out of 90 grounds, the flats of the members of the petitioner association are comprised in an area of 49 grounds 1197 sq.ft. It is further borne out by record that in between the petitioner's land and the housing board premises, there exists a common passage, which is used by the petitioner association as also the other tenants of the housing board. The above said detail is evident from the rough sketch, which has been placed on record by the parties on which there is no dispute. A perusal of the sketch shows that there are three portions, shown in blue, red and green colours. In the said sketch, it is the stand of the housing board that the red portion is retained by it, while the blue portion pertains to the common passage, which is used by the petitioner's association as also the tenants of the Housing Board. Further, the green portion consists of 132 flats which includes vinayagar temple, park and roads, which is under the occupation of the members of the petitioner association.



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7. Further, it is also to be noted that it is not the claim of the petitioner that the entire extent forms part of the development of the flats constructed by the Housing Board which is owned by the members of the petitioner association. There is no material evidencing the fact that the entire extent of 90 grounds have been utilized for the formation of the flats, which are owned by the members of the petitioner association. In fact, it is the admitted case of the petitioner that they are enjoying an extent of 49 grounds and 1197 sq.ft., in addition to the blue portion in the rough sketch, which is shown as common passage. That being the case, no affirmative direction as sought for by the petitioner can be issued directing the handing over of the lands in which the board rental flats are built, which is to an extent of 10 grounds.

8. In the aforesaid circumstances and for the reasons stated above, this writ petition is disposed of with a direction to the concerned official to issue No Objection Certificate in respect of the lands to the extent of 49 grounds 1197 sq.ft., upon which the flats of the members of the petitioner association are built, which is shown as green marked portion in the rough sketch for the purpose of reconstruction of the said flats owned by the members of the petitioner association. Further, it is made clear that the members of the petitioner association, as also the



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respondent housing board and the tenants under the respondent housing board are entitled to enjoy the common pathway which is shown as blue portion in the rough sketch jointly. Respondents 5 and 8 are directed to issue necessary patta in favour of the members of the petitioner association in respect of 49 grounds 1197 sq.ft., by earmarking the respective extent as undivided share, common area, park and constructed road.

9.This writ petition is disposed of with the aforesaid observations and directions. The rough sketch, which is marked as 'Annexure-A' shall form part of the order. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs.

11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AY

To

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Rep. By The Secretary, Government Of Tamil
Nadu, Fort St. George, Chennai -600009.
2. The Managing Director,
Tamil Nadu Housing Board, Cmda Complex,
Koyambedu, Chennai -600 107.

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3. The Chief Engineer(city),
Tamil Nadu Housing Board, Chennai -600107.
4. The Executive Engineer And Ado,
Tamil Nadu Housing Board, K.K.Nagar,
Division, Chennai -600040.
5. The District Collector,
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6. The Member Secretary,
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