



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 23-06-2026**

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**THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WP No.26781 of 2025**

**and**

**WMP No.30099 of 2025**

Reji Divakaran  
W/o.Mr Divakaran,  
Flat No.M-24, Mig Flats (SFS)  
TNHB 1st Main Road,  
TNHB Colony Velacherry,  
Chennai-600 042.

..Petitioner(s)

Vs

1. The State Rep by.  
The Principal Secretary Housing and Urban  
Development Department, Fort St George,  
Chennai-600 009.
2. The Managing Director,  
The Tamil Nadu Housing Board,  
E and C Market Road, Koyembedu,  
Chennai-600 107.
3. The Manager (Salem and Service)  
The Tamil Nadu Housing Board,  
Besant Nagar, Zone No.48,  
Dr.Muthulakshmi Salai,  
Adyar, Chennai-600 020.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India  
praying for a writ of Certiorari calling for the records of the 3rd respondent  
dated 31.07.2024 passed in Letter No.AL-4/830/2016 and quash the same.

For Petitioner(s): Mr.V.S.Senthil Kumar

For Respondent(s): Mr.S.Sidhartha Vishnu



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Counsel for Government (for R1 and R4)  
Mr.D.Veerasekaran  
Standing Counsel (for R2 & R3)

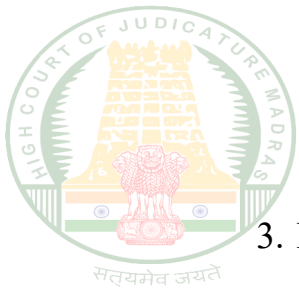
### **ORDER**

The present writ petition is filed challenging the impugned proceedings dated 31.07.2024 whereby the petitioner was directed to pay a sum of Rs.1,00,000/- for the purpose of allotment of a car park.

2. Learned counsel for petitioner would submit that the Tamil Nadu Housing Board developed a property in Velachery site. Petitioner applied for a plot in self-financing scheme in 12.12.2016 and petitioner was allotted Flat M-2 vide letter dated 17.05.2016. It is stated that petitioner was issued with a handing over order dated 05.12.2018. Petitioner would submit that in terms of Clause 22 of the agreement, petitioner can make his own arrangements to park the vehicles. The relevant portions of the agreement is extracted hereunder:

*“22. The Purchaser shall be bound by the terms and conditions contemplated in the application form and the rules and regulations prescribed in the prospects of this scheme which will form part and parcel of this indenture. Further the purchaser shall also be bound by the directions being given by the vendor from time to time in the interest of the upkeep of the building and general management.*

*a) The Purchaser of the Flat shall make his/her own arrangement to park their vehicles (i.e.,) to park the cars, two wheelers in the space around the blocks of Flat.”*



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3. It is the case of the learned counsel for petitioner that the respondents are now insisting that the petitioner ought to make a payment of further sum of Rs.1,00,000/-. Petitioner would also place reliance on the initial allotment order wherein it is expressly provided that covered car park would be allotted subject to payment of additional sum. Petitioner would submit that the petitioner has not been allotted covered car parking what is allotted is open car parking and therefore the impugned order is contrary to the terms and conditions of the agreement.

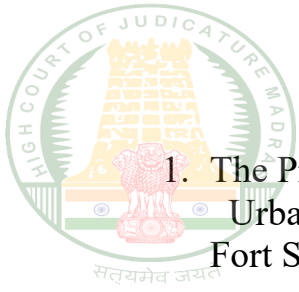
4. To a pointed question as to whether there is any clause to show that they can charge additional amount for allotment of car park, learned counsel for respondents was unable to point out any.

5. In view thereof, the impugned order is set aside and the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**23-06-2026**

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

To:



1. The Principal Secretary Housing and Urban Development Department,  
Fort St.George, Chennai-600 009.
2. The Managing Director,  
The Tamil Nadu Housing Board,  
E and C Market Road, Koyembedu,  
Chennai-600 107.
3. The Manager (Salem and Service)  
The Tamil Nadu Housing Board, Besant Nagar,  
Zone No.48, Dr.Muthulakshmi Salai,  
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**MOHAMMED SHAFFIQ J.**

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