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TNHB allottees can build new buildings in place of old ones: HC

Staff Reporter

The Madras High Court ruled that allottees of flats promoted by the Tamil Nadu Housing Board (TNHB) could construct new buildings, if they found that their existing buildings had become old.

A full bench comprising acting Chief Justice R.K. Agrawal and Justices N. Paul Vasantha Kumar and K. Venkataraman, went over the important question of whether the TNHB has a right over such properties after the execution of sale deeds in favour of individual purchasers.

Dismissing an appeal by the TNHB, the judges stated: “allottees of the flats, after execution of the sale deed in their favour have got every right to demolish the existing buildings and construct new apartment blocks. Even if additional dwelling units are constructed and sold to third parties, the

TNHB cannot lay any claim over such additional construction.”

“As long as the constructions are within the parameters of the rules of the CMDA, in our considered view, the TNHB have got no say, even if additional dwelling units are constructed after demolishing the existing flats,” the Bench said, adding however that the allottees or the subsequent purchasers should not convert residential blocks into commercial ones.

In the present case, a group of allottees (or subsequent purchasers) who intended to demolish their flats in Sowbagya Colony, K.K. Nagar, and build new dwelling units, had sought permission from the authorities to do so. Their demolition plans submitted to the Chennai Corporation authorities and building permission sought from the Chennai Metropolitan Development Authority were not processed, on the grounds that they needed to obtain a ‘no objection’ certificate from the TNHB before any work could be taken up.

Following writ petitions filed by the residents, a single judge of the Madras High Court directed the Chennai Corporation to grant an approval for the demolition of the existing structures and the CMDA authorities were directed to process their applications to construct new buildings. The TNHB had

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challenged this order.