

# The Atrium Owners Association

(Registered with the Registrar of Societies, Chennai, Registration # 144/1999)

## Car Parking: Non-co-operation by one member

### Background

The owners of apartment D 403, Mr S M Sheriff and his wife Dr Jasmine, own two cars. They have been parking both their cars in the visitor's parking area for quite some time now despite clear rules against the practice.

The MC had communicated its intention to enforce parking regulations of the building. Members were allowed time till February 15, 2009 to make alternate arrangements.

On February 16, 2009, the MC received a complaint from Dr Jasmine. Her complaint stated that her cars were being scratched when parked in the basement and that it had happened on numerous occasions in the past. She expressed undergoing tremendous emotional trauma, distress and expenditure owing to this. She contended that when her cars were parked in the visitor's parking area her cars did not get damaged. Therefore, she asked that she be allowed to continue parking her cars in the visitor's parking area.

The MC declined her request on the grounds that exception for one member would open the flood-gates of similar requests from other members.

Nothing further was heard from the member till February 22. However, the MC had observed that the member was parking one of her two cars in the basement while the second car continued to be parked in the visitor's parking area.

### Events of February 22<sup>nd</sup> and thereafter

#### 1) February 22, 2009

- a) On February 22<sup>nd</sup>, at about 4:00 pm, Dr Jasmine called the Secretary on the intercom and complained that the car she had been parking in the basement had been scratched yet again, and what was she to do.
- b) The Secretary informed Dr Jasmine that she should file a police complaint. Dr Jasmine's responded that she did not have the time to do this and that she would park the car in the visitor's parking and the MC could, "bloody well do what it wanted to do."
- c) At about 5:00 pm, two visitors went to the Secretary's apartment. The visitors claimed that they were friends/representatives/relatives of the Dr Jasmine and asked the Secretary to accompany them to the car parking bay of Dr Jasmine to inspect the car and suggest a solution.
- d) The Secretary told these visitors that he had already spoken to Dr Jasmine and if they wished anything to be done they could file a police complaint

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and that he himself was not obliged or obligated to attend to private matters of residents in the building.

- e) Thereupon, the visitors representing Dr Jasmine demanded to know the Secretary's parking bay number so that they could damage the Secretary's car to show how it feels when a car is damaged.
  - f) The Secretary attempted to call the Police but was unsuccessful in doing so. While the Secretary was attempting to do so, the visitors kept up a steady barrage of words which included threats, pleas, advise on how the MC should behave, etc.
  - g) After a heated exchange of words lasting approximately half-an-hour, the visitors left the Secretary's apartment expressing dire threats.
  - h) Given all these, the MC decided to make a police complaint of the issue. Accordingly, the Secretary hand-wrote a complaint and asked Mr Vijayan, the facility supervisor to hand the complaint over to the police.
  - i) The police refused to accept the complaint on February 22 itself stating that the Inspector was not available and that the complainant should go in person to prefer the complaint.
  - j) Since the Secretary had other engagements on February 22, the Secretary could not file the complaint that day itself.
- 2) February 24 - 26, 2009
- a) The Secretary took the day off and went to the Thiruvannamiyur police station at 11:00 am to hand over the complaint to the Inspector. Mr Vijayan accompanied him.
  - b) After a nearly two hour wait, the Inspector arrived at the police station and the complaint was handed over to him as well as the sequence of events narrated to him.
  - c) The Inspector advised that he would send a sub-inspector to the residence of Dr Jasmine and ask her to go the police station for an enquiry.
  - d) To do this he asked Mr Vijayan to call him at around 7:30 pm so that he could assign the sub-inspector.
  - e) Mr Vijayan did as he was asked but the Inspector as well as his staff were busy with other matters.
  - f) The Secretary asked Mr Vijayan to persist with this. Accordingly, Mr Vijayan kept in contact with the Inspector on February 25, 26 and 27.

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## 3) February 27, 2009

- a) At about 2:00 pm the Inspector did send a policeman with Mr Vijayan to Dr Jasmine's residence asking them to come to the police station.
- b) Mr Vijayan informed the Secretary of this development and asked the Secretary to go to the police station, which the Secretary did.
- c) En-route to the police station advised Mr Madhavan, Committee Member, who had volunteered to participate in the interactions on this matter, of the developments and requested him to come to the police station. Mr Madhavan readily agreed to come to the police station.
- d) At the police station the Secretary found that Dr Jasmine had sent Mr Narayanan (one of the visitors to the Secretary's apartment on February 22), as her representative.
- e) The Inspector called both parties and interviewed them. Since Mr Madhavan had not arrived till then, the Secretary and Mr Narayanan participated in the interview.
- f) Mr Narayanan did not deny any of the events of February 22. He added that he had only told the Secretary how the Secretary and the MC should handle complaints from dues-paying residents.
- g) The Inspector informed Mr Narayanan that he had no locus standi in the issue and that Mr Narayanan should refrain from getting involved in the situation.
- h) The Inspector then decided to visit the apartment complex and see the situation for himself. Mr Madhavan, who had by then reached the police station by then, and the Secretary accompanied the Inspector to the apartment complex.
- i) In the apartment complex, he called for Dr Jasmine, who said the following to the Inspector:
  - i) She is a single working woman with a baby and she has enough money and income to own two cars
  - ii) The cars are parked in the building only between 10 pm and 8 am
  - iii) Her request to park her cars in the visitor's parking area is reasonable since otherwise her car gets scratched
  - iv) These scratches cause her to spend a lot of money and causes her anguish, trauma, distress, sleeplessness, etc, since she needs to continuously visit the basement to see the cars are in good condition
  - v) Her car gets scratched only between 12:00 midnight and 6:00 am
  - vi) Given that her husband is overseas, and that she has no male support at her residence she is helpless

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- vii) She can do whatever she wants because it is her money that she is spending
- viii) The function of the Association is to accommodate her because she pays her dues in advance
- j) The Secretary informed the Inspector the following:
  - i) One of Dr Jasmine's cars technically does not belong in the building itself since she had not registered the car as per the security process of the building and affixed a sticker on the car
  - ii) All residents' cars are parked in the basement and that the parking bay is owned by the resident giving very little room for the MC or the Association to do anything in the matter
  - iii) The Security processes that are followed in the building
- k) Mr Madhavan tried engaging in a dialogue with Dr Jasmine, but Dr Jasmine held on to her views steadfastly.
- l) After listening to all this the Inspector informed Dr Jasmine that she should:
  - i) Follow the Association's rules and register her second car and have it appropriately labelled
  - ii) Park her cars in the basement as per the Association's rules
  - iii) If she is unable to find parking space for her car in the basement, she should make alternative arrangements
  - iv) If her car gets damaged she should report the matter to the police
- m) The Inspector also advised the Association to provide better security for Dr Jasmine's car, if required at her cost.

## The Current situation

Dr Jasmine is continuing to park her cars in the visitors parking areas and is completely disregarding the rules of the Association as well as the advice tendered to her by the Inspector of Police.