

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.19917 of 2015

Baby

.. Petitioner

vs

1.The Government of Tamil Nadu
rep. By its Principal Secretary
Fort St. George, Secretariat
Chennai 600 009

2.The Tamil Nadu Slum Clearance Board
Rep. By its Chairman/Managing Director
No.5, Kamarajar Road
Chennai 600 005

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to execute a sale deed in respect of Plot No.19, "Teachers' Colony Scheme", Door No.38, New Door No.65, Dr.Ambedkar Street, Teachers Colony, Erukkancheri, Chennai 600 118, in favour of the petitioner.

For Petitioner : Mr.A.R.Sakthivel

For Respondents : Mr.V.Subbiah
Special Government Pleader
for R1

Mr.B.Kesavan for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state among other things, that the second respondent under World Bank Scheme (III) and Madras Urban Development Project, has formulated a scheme known as "Teachers' Colony Scheme" at Erukkancheri, Chennai, for the benefit of the slum-dwellers, who are already in possession and enjoyment through lease-cum-sale agreement. According to the petitioner, she was allotted the land, which was already in her possession and enjoyment, bearing Plot No.19, Door No.38, admeasuring to an extent of 1.56.0 square meters, at Teachers' Colony, Erukkancheri, Chennai, by the order of the Chairman, Tamil Nadu Slum Clearance Board dated 21.3.1984.

3.The petitioner has stated that the sale consideration for the above said plot, was fixed at Rs.8,890/- and accordingly, monthly instalment payable, was Rs.100/- and a lease-cum-sale agreement was

also executed in her favour in respect of the said plot, and the second respondent has also issued a No Objection Certificate dated 11.6.1993, for the purpose of obtaining loan as well as for getting electricity service connection, water supply and sewerage connection and accordingly, the petitioner got all basic amenities and would further claim that she has also paid the entire sale consideration to the Tamil Nadu Slum Clearance Board for receiving No Objection Certificate.

4.The grievance expressed by the petitioner, is that thereafter, no steps have been taken by the second respondent to execute the sale deed in her favour, and in this regard, she has submitted a written representation dated 16.10.2014, and since no orders have been passed, she has invoked the provisions of Right To Information Act and sought information and the second respondent vide communication dated 12.12.2014, has informed the petitioner that the land in question, has not been transferred from the Government to them and only after such transfer, sale deed will be executed. The petitioner aggrieved by the inaction on the part of the second respondent to execute the sale deed in her favour, came forward to file this writ petition.

5.Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the first respondent, and Mr.B.Kesavan, learned Standing Counsel, who accepted notice on behalf of the second respondent, also.

6.The learned Standing Counsel appearing for the second respondent, would submit that unless and until the Government transfers the land in question, in favour of the second respondent, the question of executing the sale deed does not arise at all and prays for appropriate orders.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the first respondent to take a decision for transfer of land in favour of the second respondent, with regard to the "Teachers' Colony Scheme", within a period of eight weeks from the date of receipt of a copy of this order, and on receipt of such communication from the first respondent, the second respondent is directed to take all necessary steps to execute the sale deed in favour of the petitioner, as, according to the learned Counsel appearing for the petitioner, in the similar facts and circumstances, the second respondent has executed a sale deed dated 14.10.2014, (Document No.4515/2014), in favour of Tmt.Kondamma in respect of Plot No.69 of Teachers' Colony Scheme. The respondents are directed to complete the said exercise within a period of four weeks thereafter, and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

To:

1.The Principal Secretary to Government
Fort St. George, Secretariat
Chennai 600 003

2.The Tamil Nadu Slum Clearance Board
Rep. By its Chairman/Managing
Director
No.5, Kamarajar Road
Chennai 600 005

1 cc to Mr.A.R.Sakthivel, Advocate, Sr. 33908
1 cc to Mr.B.Kesavan, Advocate, Sr. 33904
1 cc to Government Pleader, Sr. 34349

W.P.No.19917 of 2015

GJ C(O)
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