

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.7726 of 2008 and M.P.No.1 of 2008

R.Ravichandran
Shop No.34,
Thirumangalam Commercial Complex,
Thirumangalam, Chennai - 40 ...Petitioner

Vs

1. Government of Tamilnadu
rep. By its Secretary,
Housing and Urban Development Department,
Fort. St. George, Chennai - 9
2. Tamilnadu Slum Clearance Board,
rep. By its Chairman,
No.5, Kamarajar Salai,
Chennai - 600 005
3. Managing Director,
Tamilnadu Slum Clearance Board
No.5, Kamarajar Salai,
Chennai - 5
4. Public Information Officer,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005 ...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration declaring that the letter of the 1st respondent bearing K.No.29367/SC2(1)/07 dated 27.11.2007 referred in the proceedings of the 4th respondent bearing Na.Ka.No.B2/14872/05, the proceedings of the 4th respondent bearing Na.Ka.No.B2/14872/05 dated 20.12.2007 and the order of the 3rd respondent bearing B2/22658/07 dated 11.02.2008 as illegal and contrary to law and consequently direct the 2nd and 3rd respondents to register the sale deed in respect of Shop No.34, Thirumangalam Commercial Complex, Thirumangalam, Chennai - 40 in favour of the

petitioner for which entire sale consideration has been paid on 30.11.2005.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr. V.Jayaprakash Narayanan
Spl Government Pleader for R1
Mr.R.V.Babu for R2 to R4

O R D E R

Heard Mr. Balan Haridoss, learned counsel appearing for the petitioner and Mr. V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the 1st respondent and Mr.R.V.Babu, learned counsel for 2nd to 4th respondents and perused the materials placed on record.

2.The petitioner seeks for Writ of Declaration to declare that the order passed by the 1st respondent dated 27.11.2007 as well as consequential proceedings issued by the 3rd and 4th respondent dated 20.12.2007 and 11.02.2008 and to direct the respondents to register the sale deed in favour of the petitioner on the ground that the petitioner has paid entire sale consideration on 30.11.2005.

3.By the impugned proceedings, the respondent has stated that the clarification is awaited from the Government and therefore, they are unable to proceed further in the matter to execute the sale deed. However, this stand has been taken by the respondent-Board in 2007, as evident from the impugned communication dated 27.11.2007. The matter has been adjourned by this Court on several occasions, yet no counter affidavit has been filed by the respondent/Board.

4.However, the learned counsel for the respondent/Board has made his submissions by referring to the communication dated 11.02.2008 stating that the clarification is awaited from the Government with regard to the fixing of the shop and when the clarification is received, the Board will execute the sale deed. During the pendency of the writ petition, the petitioner submitted application under Right to Information Act by an application dated 26.04.2011. The Public Information Officer of the respondent/Board by reply dated 18.05.2011 has stated that in respect of seven shops, the sale deeds have been executed and in respect of eight shops, the execution is kept pending. With regard to query raised by the petitioner as to why the sale deed has not been issued to him till date, the respondent has given a reply stating that since the clarification was not received from the Government, the sale

deed could not be executed in 2006 and the respondent issued clarification on 27.07.2008 and by that time, the petitioner has filed this Writ Petition against the Board and therefore they are unable to execute a sale deed.

5. In the light of the stand taken in the communication dated 18.05.2011, the only impediment appears to be that the petitioner has filed the Writ petition against the Board. If already the sale deeds have been executed to seven shops, there is no justifiable reason for denying the execution of sale deed to the petitioner, if the petitioner complies with all the other conditions.

6. In the light of the above discussion, this Court is of the view that the 2nd respondent should take appropriate action for execution of the sale deed subject to the petitioner pays the final cost, as determined by the Government as indicated by the Board vide communication to the Government dated 27.07.2009. Accordingly, the 2nd respondent-Board is directed to issue appropriate action and as and when the petitioner remits the amount as called for in terms of the clarification issued by the Government, the respondent/Board shall issue the sale deed. The said direction shall be complied with by the respondent-Board within a period of four months from the date on which he remits the amount. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

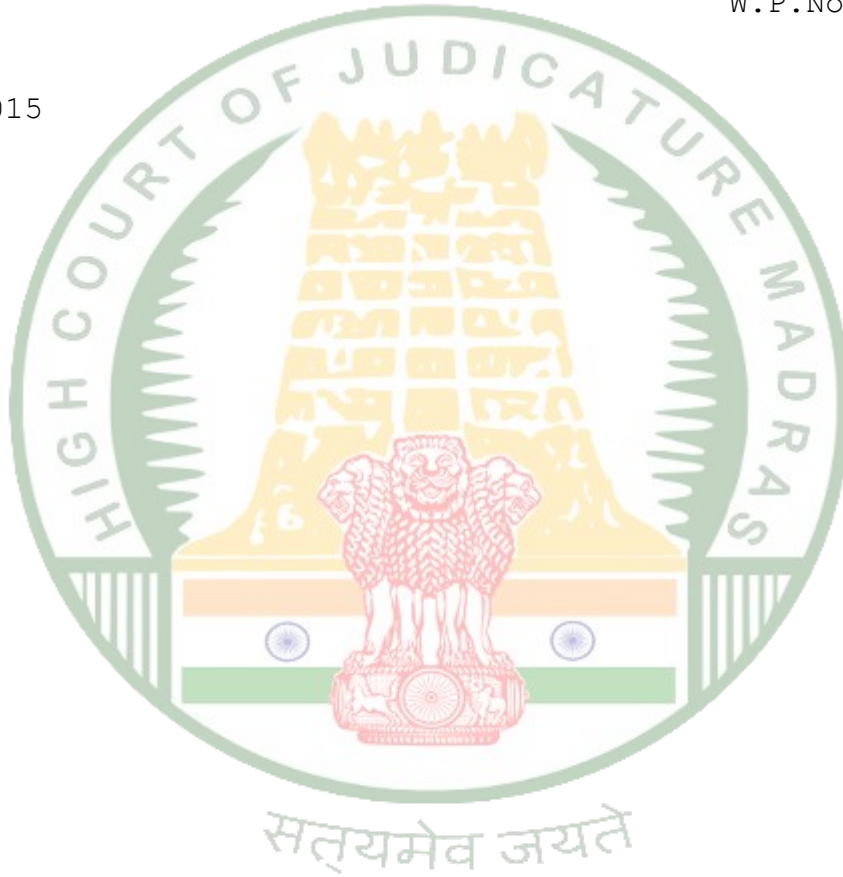
1. The Secretary,
Government of Tamilnadu
Housing and Urban Development Department,
Fort. St. George, Chennai - 9
2. The Chairman,
Tamilnadu Slum Clearance Board,
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4. Public Information Officer,
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Chennai - 600 005

1 cc to Mr. R.V.Babu, Advocate, SR.No.8463
1 cc to Mr. Balan Haridas, Advocate, SR.No.8944
1 cc to Government Pleader, Sr.No8810

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