

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2015

CORAM:

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.7678 of 2012

S.Poondiyappan

...Petitioner

vs.

1. The Estate Officer,
VII, Tamil Nadu Slum Clearance Board,
K.K. Nagar, Chennai-78.

2. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.

3. V.Perumal

...Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to evict the 3rd respondent from plot No.26, Todd Hunter Nagar Scheme, Jothiammal Nagar, Saidapet, Chennai-15.

For petitioner : Mr.V.P.Rajendran

For respondents : Mr.M.Perumal for R1 & R2
Mr.K.S.Ganesh Babu for R3

सत्यमेव जयते
O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. According to the petitioner, the plot in question had been allotted to his father, namely, A.Subramani. The father of the petitioner died, on 21.6.2011. Thereafter, the petitioner, as the only legal heir of his father, has been in occupation of the property in question. It has been further stated that the petitioner had been afflicted with leprosy. Therefore, he had permitted the 3rd respondent to occupy a portion of the property,

on a monthly rental basis. While so, after the death of the father of the petitioner, on 21.6.2011, the 3rd respondent, along with his men, started preventing the petitioner from entering the property in question. They had also forced the petitioner to execute a sale deed in favour of the 3rd respondent, illegally. In this connection, the petitioner had lodged a police complaint against the 3rd respondent, on 20.12.2011. Since no action has been taken by the authorities concerned, to evict the 3rd respondent from the property in question, the petitioner has filed the present Writ Petition, under Article 226 of the Constitution of India.

3. The learned counsel appearing on behalf of the 3rd respondent had submitted that the 3rd respondent had been permitted to occupy a portion of the house said to be belonging to the petitioner, on a monthly rental basis. Even though he has been paying the rental amounts to the petitioner, regularly, the petitioner has asked the 3rd respondent to vacate the premises in question. It has also been stated that the petitioner has executed an unregistered sale deed in favour of the 3rd respondent, in respect of the property in question.

4. Per contra, the learned counsel appearing on behalf of respondents 1 and 2 had submitted that the petitioner has leased out the property in question, to the 3rd respondent, contrary to the terms and conditions of the allotment made in favor of his father, namely, A.Subramani. Therefore, the allotment made in favour of the petitioner is likely to be cancelled. Further, the unregistered sale deed, said to have been executed by the petitioner, in favour of the 3rd respondent, cannot be held to be valid in the eye of law.

5. Considering the facts and circumstances of the case, this Court finds it appropriate to direct the authorities of the Tamil Nadu Slum Clearance Board, Chennai, to issue notices to the petitioner, as well as the 3rd respondent, with regard to the allotment of the property in question, and the legality of the acts done by the petitioner, in leasing out the property, in favour of the 3rd respondent. Thereafter, the authorities of the Tamil Nadu Slum Clearance Board, Chennai, shall conduct an enquiry and pass appropriate orders thereon, in accordance with the provisions of the Tamil Nadu Slum Areas [Improvement and Clearance], Act 1971. The said exercise shall be carried out by the authorities concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of, with the above directions. No costs. M.P.No.1 of 2012 is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

gs.

To

1. The Estate Officer,
VII, Tamil Nadu Slum Clearance Board,
K.K. Nagar, Chennai-78.
2. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.

1 CC to Mr.V.P. Rajendran, Advocate SR.No. 54245

WP 7678 of 2012

KK (CO)
PSI (16.10.2015)

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