

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.12971 of 2016

Tmt.A.Pushpa

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepakkam, Chennai-600 005.

2. The Estate Officer,
Tamil Nadu Slum Clearance Board,
K.K.Nagar, Sivalingapuram,
Chennai-600 078.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 24.02.2016 and thereby direct the respondents to issue sale deed in respect of Plot No.65, Velachery Lakshmipuram Scheme, Tamil Nadu Slum Clearance Board by receiving appropriate charges towards the same in the name of petitioner's husband Tr.S.Annamalai.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents : Mr.S.Prabu

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 24.02.2016 and thereby direct the respondents to issue sale deed in respect of Plot No.65, Velachery Lakshmipuram Scheme, Tamil Nadu Slum Clearance Board by receiving appropriate charges towards the same in the name of petitioner's husband Tr.S.Annamalai.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that the Tamil Nadu Slum Clearance Board (TNSCB) allotted the above said plot in favour

of her husband Tr.S.Annamalai, of an extent of 176.54 Sq.M. Originally, the respondents-TNSCB, under the Scheme, namely Lakshmipuram Velachery Scheme allotted 423 plots, out of which, one of the plot was allotted in her husband's name in December 1997 and he was directed to pay a sum of Rs.24,716/- as entire amount for the said allotment; initially, he was directed to pay Rs.2,472/- and the remaining balance amount in the monthly equated instalments of a sum of Rs.245/-. The monthly equated instalment amounts were paid by the petitioner's husband to the respondents without any default. After allotment of the land, the petitioner's husband put up a small and simple superstructure (tiled roof house) and there is no change in the said construction. It is the grievance of the petitioner that in Plot No.69, three-storeyed building was constructed by the adjacent allottee and the respondents' subordinates, while taking the statistical report regarding the nature of construction put up by the allottees of the said area, have mistakenly recorded the name of the petitioner's husband in respect of the superstructure found in Plot No.69, when the fact remains that the petitioner's husband has put up only simple superstructure in Plot No.65. In spite of payment of the entire amount to the respondents for the allotment, the sale deed has not been issued in favour of her husband. As the petitioner's husband fell sick, he could not approach the office of the respondents. In spite of the petitioner approaching the respondents several times for issuance of sale deed and sending various representations, the sale deed has not been issued in favour of her husband. Lastly, she sent a representation, dated 24.02.2016 to the first respondent for issuance of the sale deed in the name of her husband, by enclosing the copies of payment receipts and allotment order. Since the said representation is still pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the factual aspects of the matter, without going into the merits of the case, this Court directs the respondents to consider the said representation of the petitioner, dated 24.02.2016, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-
Assistant Registrar(CCC)

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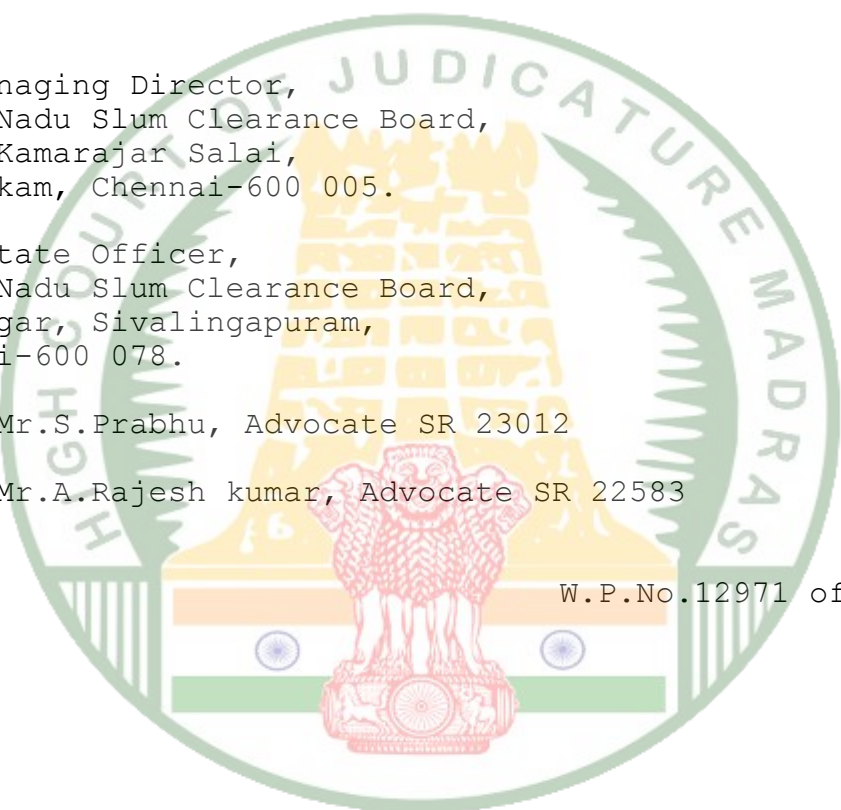
Sub-Assistant Registrar

Copy to

1. The Managing Director,
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 2. The Estate Officer,
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K.K.Nagar, Sivalingapuram,
Chennai-600 078.
- + 1 cc to Mr.S.Prabhu, Advocate SR 23012
- + 1 cc to Mr.A.Rajesh kumar, Advocate SR 22583

kk(co)
prk27/4

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