

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.1147 of 2015

S.Thirunavukkarasu

..Petitioner

vs.

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chepauk
Chennai 600 005.
2. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chepauk
Chennai 600 005.
3. The Estate Officer
No.3, Tamil Nadu Slum Clearance Board
Anna Nagar West
Thirumangalam
Chennai 600 040.
4. D.Rajaram

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the first respondent to consider issue of allotment order and also execute the sale deed for total extent of 1.63.0 sq.mt., in favour of the petitioner in respect of subject matter of the property bearing Plot No.143, Door No.17, Thirumoolar Colony, Anna Nagar West, Chennai 600 040 in pursuance of the representation dated 26.07.2014.

For Petitioner : Mr.R.S.Mohan

For Respondents : Mr.B.S.Sundaramoorthi
for RR1 to 3
R4- No appearance

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

Heard the learned counsels appearing on behalf of the petitioner, as well as the respondents 1 to 3. There is no

appearance on behalf of the fourth respondent, in spite of the name of the fourth respondent having been printed in the cause list, after service of Court notice, on him.

2. The petitioner has filed the present writ petition, claiming that the petitioner had been allotted 74 sq.mts. of land, in Plot No.143, Door No.17, Thirumoolar Colony, Anna Nagar West, Chennai. However, in spite of the petitioner having paid the entire amount, due to be paid by him, for such allotment, the respondent-Tamil Nadu Slum Clearance Board (hereinafter referred to as the "Board") had not registered the land in favour of the petitioner, for an extent of 74 sq.mts., till date. Therefore, the petitioner prays that this Court may be pleased to direct the respondent-Board to register the sale deed in favour of the petitioner, for an extent of 74 sq.mts., in Plot No.143, Door No.17, Thirumoolar Colony, Anna Nagar West, Chennai, within a specified period.

3. The learned counsel appearing on behalf of the petitioner had further submitted that an additional extent of 117 sq.mts. of land, adjoining the land already allotted to him, had also been allotted to the petitioner. However, no allotment order had been issued to the petitioner, with regard to that additional extent of land. He had also stated that the additional extent of land, which the Board had sought to allot in favour of the petitioner, have been encroached upon by the fourth respondent.

4. It has been stated by the petitioner that the said additional extent of land had been allotted to the petitioner, for commercial purposes. However, the learned counsel appearing for the petitioner has not been in a position to produce a legible copy of the communication said to have been issued, with regard to the allotment of the additional extent of land in his favour. In fact, the said communication, dated 24.01.1989, produced before this Court, had been issued by the Special Tahsildar, Chennai Metropolitan Development Authority, to the Tamil Nadu Slum Clearance Board, which is only an internal communication from one authority to another and no Mandamus can be issued, based on the said communication, under Article 226 of the Constitution of India. Further, the communication, dated 24.01.1989, is illegible and this Court is not able to decipher the contents of the same.

5. The learned counsel appearing on behalf of the respondent-Board had admitted that the petitioner had been allotted 74 sq.mts. of land, in Plot No.143, Door No.17, Thirumoolar Colony, Anna Nagar West, Chennai, by an allotment order, dated 06.03.1981. He had also admitted that no sale deed had been executed in favour of the petitioner, with regard to the said land.

6. In view of the said submissions made by the learned counsels appearing on behalf of the petitioner, as well as the

respondent-Board, this Court finds it appropriate to direct the respondent-Board to execute the sale deed in favour of the petitioner, in respect of 74 sq.mts. of land, in Plot No.143, Door No.17, Thirumoolar Colony, Anna Nagar West, Chennai, based on the allotment order, dated 06.03.1981, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With regard to the claim of the petitioner stating that he had been allotted an additional extent of 117 sq.mts. of land, adjoining the land, which had been originally allotted to him, the respondent-Board shall conduct an enquiry and pass appropriate orders thereon, after giving an opportunity of hearing to the petitioner, as expeditiously as possible. It would be open to the petitioner to place all the records available with him, before the appropriate authority, during such enquiry.

8. The writ petition is disposed of, with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chepauk Chennai 600 005.
2. The Managing Director
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No.3, Tamil Nadu Slum Clearance Board
Anna Nagar West
Thirumangalam Chennai 600 040.

1 cc to Mr.R.S.Mohan, Advocate, sr.37736

1 cc to Mr.B.S.Sundaramoorthi, Advocate, sr.37632

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