

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.22834 of 2015

M.Anjalai

... Petitioner

vs.

1.The Chairman,
Slum Clearance Board,
No.5, Kamraj Salai,
Chennai 600 015.

2.The Estate Officer,
Slum Clearance Board,
T.P.Chatram,
Chennai 600 010.

3.The Estate Officer,
Slum Clearance Board,
No.5, Kamraj Salai,
Chennai 600 015.

4.The Government of Tamil Nadu,
rep. By Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-9.

... Respondents

(R4 is suo-motu impleaded as per
order dated 28.07.2015 by this Court)

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to issue Sale Deed for Plot No.17, Door No.16, Meenambal Sivaraj Nagar, 1st Street, Chetpet, Chennai -31, allotment letter No.SE.MU.EN.2097/E/82 dated 30.09.1985.

For Petitioner : Mr.R.Rajesh Kumar

For R1 to R3 : Mr.B.Kesavan

For R4 : Mrs.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to issue a Sale Deed in respect of Plot No.17, Door No.16, Meenambal Sivaraj Nagar, 1st Street, Chetpet, Chennai -31, which was allotted by an Allotment Letter bearing No.SE.MU.EN.2097/E/82 dated 30.09.1985.

2. It is the case of the petitioner that the first respondent allotted a Plot bearing No.17, Door No.16, Meenambal Sivaraj Nagar, 1st Street, Chetpet, Chennai-31 in her name vide Allotment Letter No.SE.MU.EN.2097/E/82 dated 30.09.1985 and an amount of Rs.3467.50 was fixed as sale consideration. Since her husband had expired, she is doing a business of selling fruits and with great difficulty, she paid the entire amount due to the first respondent by way of instalments and she was issued with a receipt with respect to the same. Thereafter, No objection certificate in No.666/G/A.A6 dated 02.03.1996 was also given to the petitioner for the purpose of constructing a house.

3. Now the grievance of the petitioner is that though the petitioner paid the entire sale consideration and she was issued with no objection certificate, the respondents did not execute a sale deed in her favour, due to which, the petitioner is unable to settle the said property in favour of her younger son. Therefore, the petitioner has filed the present petition for the above stated relief.

4. When the writ petition came up for consideration, the learned counsel for the respondents/Slum Clearance Board submitted that the Government now ordered alienation in respect of the land in question, in favour of the Tamil Nadu Slum Clearance Board for implementation of improvement of Meenambal Sivaraj Nagar Scheme. In support of his contention, he has also produced a copy of G.O.(Ms) No.33 Revenue (LD5(2)) Department Dated 18.01.2016, wherein, in para 5, it has been stated as follows:

"The Government, after careful examination have decided to accept the proposal of the District Collector, Chennai as recommended by the Additional Chief Secretary and Commissioner of Land Administration and accordingly, order to alienate the land to an extent of 3 Cawnies, 4 Grounds and 2248 sq.ft (or) 184648 sq.ft of land in Block No.26, R.S.449/1 and S.No.451/4 which are classified as "Sarkar Poramboke Corporation Public" in Egmore Village, Egmore Taluk, Chennai District in favour of Tamil Nadu Slum Clearance

Board for implementation of improvement of "Meenambal Sivaraj Nagar Scheme" under Tamil Nadu Urban Development Project free of cost as per G.O (Ms) No.67, Revenue Department, dated 04.02.2000 with usual terms and conditions as laid down in RSO 24, subject to the conditions the land should be given to the allottees as "Darkhast" for residential purpose only and all the normal condition of Darkhast (resumption for violation of conditions etc) will apply".

5.In view of the above, I am of the opinion that there is no impediment for the Tamil Nadu Slum Clearance Board to execute the sale deed in favour of the petitioner. Accordingly, the respondents are directed to execute a sale deed in favour of the petitioner in respect of the plot bearing No.17, Door No.16, Meenambal Sivaraj Nagar, 1st Street, Chetpet, Chennai-31 within a period of three weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rk

To

1.The Chairman,
Slum Clearance Board,
No.5, Kamraj Salai,
Chennai 600 015.

2.The Estate Officer,
Slum Clearance Board,
T.P.Chatram,
Chennai 600 010.

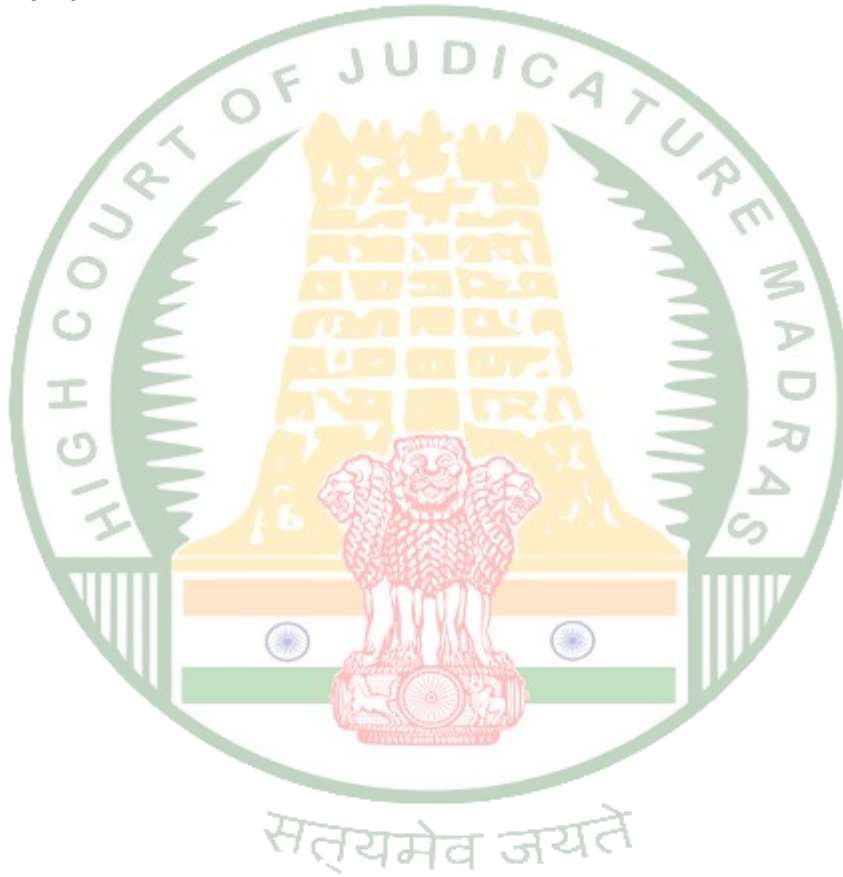
3.The Estate Officer,
Slum Clearance Board,
No.5, Kamraj Salai,
Chennai 600 015.

4.The Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai-9.

+1 cc to Mr.B.Kesavan, Advocate, sr.7730
+1 cc to Mr.R.Rajeshkumar, Advocate, sr.7634

W.P.No.22834 of 2015

ksj co
kra 09.02.2016



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