

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.34188 of 2012

C.Murugesan

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2.The Estate Officer,
No.6.T.P.Chatram,
Tamil Nadu Slum Clearance Board,
Chennai - 600010.

3.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

... Respondents

(Respondent No.3 is impleaded as per
Common Order of this Court dated 3.11.2016
passed in M.P.Nos.1, 1, 1, 1 and 1 of 2013 in
W.P.Nos.34186 to 34190 of 2012)

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the second respondent herein to execute a Sale Deed in
the name of the petitioner for Plot No.3, Door No.51-C, 15th
Cross Street, Venkatasampuram, Shenoy Nagar, Chennai - 600 030.

For Petitioner : Mr.V.Jayaprakash

For Respondents 1 & 2 : Mr.S.Prabhu
Standing Counsel

For 3rd respondent : Mr.S.Saravanan
Standing Counsel

O R D E R

The petitioner was allotted Plot No.3, Door No.51-C, 15th Cross Street, Venkatasampuram, Shenoy Nagar, Chennai - 600030 (Commercial) at Venkatasampuram Scheme, formulated by the first respondent. The said scheme was developed in consultation with the third respondent under whom the lands were vested. The petitioner had paid the entire cost of the plot and hence, approached the respondents seeking for a sale deed to be executed in his favour.

2. In response to the petitioner's request, the first respondent had stated that the subject lands were not transferred from the third respondent to them and that on such transfer of lands being effected, the sale deed will be executed in his favour.

3. The third respondent, in its counter affidavit has not refused to transfer the lands to the Tamil Nadu Slum Clearance Board and I find it had only requested the Tamil Nadu Slum Clearance Board to send requisite copy of the Board's resolution for formation of the Venkatasampuram Scheme and connected reports. Since the respondents have not denied the petitioner's right for execution of sale deed in his favour, it would be appropriate to give a direction to the Corporation/third respondent to transfer the subject lands to the first respondent to enable them to execute the sale deed in favour of the petitioner.

4. Under such circumstances, the third respondent is directed to take steps at the earliest to ensure that the subject lands are transferred to the Tamil Nadu Slum Clearance Board which exercise should be completed within a period of 3 months from the date of receipt of a copy of this order.

5. On such transfer being made from the Corporation to the Tamil Nadu Slum Clearance Board, the latter, in turn, expedite the execution of the sale deed in favour of the petitioner, which process should be completed within a period of 12 weeks from the date on which the lands from the Corporation of Chennai is transferred to them.

6. With the above observation, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

asvm

Copy to:

- 1.The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
- 2.The Estate Officer,
No.6.T.P.Chatram,
Tamil Nadu Slum Clearance Board,
Chennai - 600010.
- 3.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

+lcc to M/S.S.Prabhu, Advocate Sr.68526
+lcc to M/S.S.Saravanan, Advocate Sr.67810
+lcc to M/S.V.Jayaprakash, Advocate Sr.68005

सत्यमेव जयते

W.P.No.34188 of 2012

gmi[co]
srg 26/12/2016

WEB COPY