

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26110/2016 & WMP.No.22379/2016

1.D.Sivalingam
2.S.Suguna Devi ... Petitioners

Versus

1.The Chairman
Tamilnadu Slum Clearance Board
Chepauk, Chennai 600005.

2.Munusamy .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondent corporation to execute a sale deed in favour of the petitioners pertaining to the lands in their possession comprised of the house ground and premises bearing old Door No.120, New Door No.152, Siva Chetty Thottam, 4th Street, New Washermenpet, Chennai 600081, vide Plot No.3977/120/W2/134 as allotted in the proceedings bearing No.232/85/2/AE/Vu.Va.Thi[1] dated 12.08.1985.

For Petitioners : Mr.D.Ashok Kumar

For Respondents : Mrs.D.Latha for R1

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioners would state that a piece of land in respect of the place, namely "Siva Chetty Thottam, Chennai-600081", had been originally allotted by the Tamil Nadu Slum Clearance Board, Chennai-600005 under the Chennai Sub-Urban Welfare Scheme, to one Munusamy, S/o.Govindaswamy, the 2nd respondent herein and the cost of land was fixed at Rs.1037.50p.

payable at the rate of Rs.11/- per month. The said allotment had been issued by the 1st respondent vide proceedings dated 12.08.1985 and the instalments are payable for a period of ten years and according to the petitioners, the original allottee, viz., Munusamy, had paid the entire cost of the land including the development charges, maintenance etc., in full to the credit of the Tamil Nadu Slum Clearance Board and no pie is due and payable. It is further stated that the said Munusamy and his wife Yasodha, had relinquished their rights in respect of the said property on 31.03.1997 and also handed over the possession of the same in the form of an unregistered Sale Deed and had also put up a superstructure, apparently without any Planning Permission and the said superstructure is also subjected to statutory levy by the Corporation of Chennai. The petitioner has also been given water supply and electricity connection. The petitioners have repeatedly approaching the 1st respondent for execution of the sale deed in their favour and since no response is forthcoming, they have also sent a detailed representation dated 01.03.2016 to the 1st respondent and despite that, no orders have been passed and therefore, the petitioners are constrained to approach this Court by filing the present writ petition.

3 Mr.D.Ashok Kumar, learned counsel for the petitioners has drawn the attention of this Court to the typed set of papers and would submit that in the light of the overwhelming documents, there cannot be any impediment on the part of the 1st respondent to execute the sale deed in favour of the petitioners and prays for appropriate orders.

4 This Court heard the submissions of Mrs.D.Latha, learned counsel who accepts notice on behalf of the 1st respondent.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioners' representation dated 01.03.2016 on merits and in accordance with law, after putting on notice, the 2nd respondent herein and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the 2nd respondent herein.

6 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

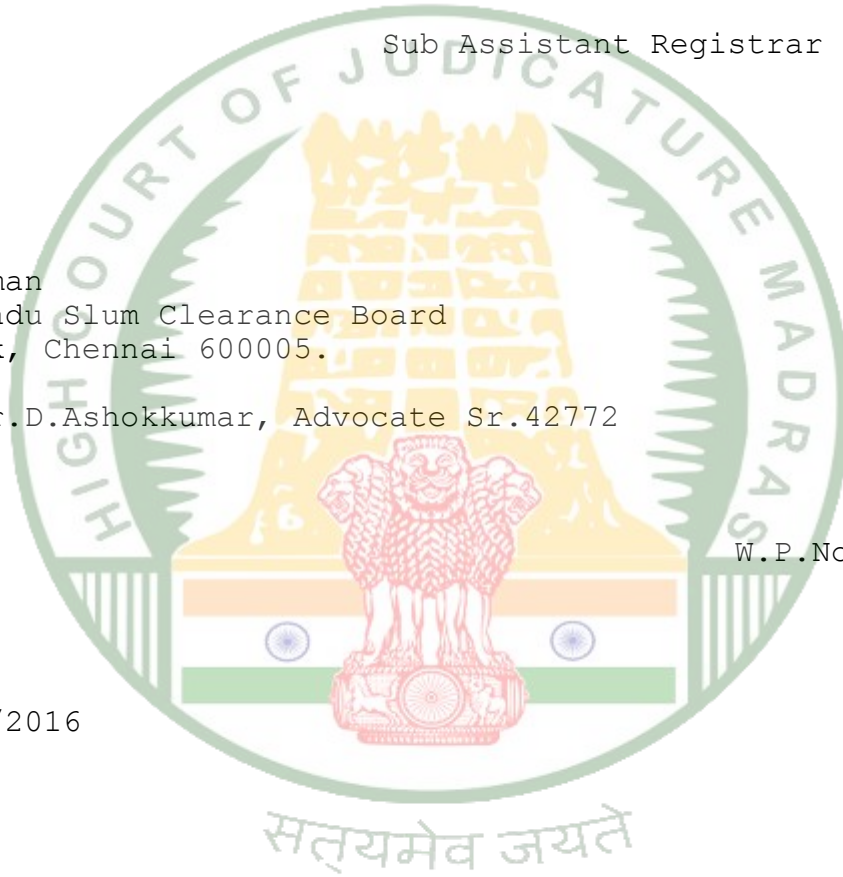
To

The Chairman
Tamilnadu Slum Clearance Board
Chepauk, Chennai 600005.

+1cc to Mr.D.Ashokkumar, Advocate Sr.42772

W.P.No.26110/2016

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srg 16/08/2016



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