

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.2652 of 2013

Ullagaram Karuna Nidhi Nagar
Welfare Association (Reg.No.58/2009),
rep. by its Secretary, Dr.P.Srinivasan,
No.38/64, MGR Street, Nanganallur,
Chennai-00 061. Petitioner

Vs.

- 1.The Principal Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.
- 2.The Slum Clearance Board,
rep. by its Chairman & Managing Director,
No.5, Kamarajar Salai,
Chennai - 600 005.
- 3.The District Collector,
Kancheepuram,
Kancheepuram District. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to execute the sale deed in favour of the members of the petitioner's association who are allotted the respective area in R.S.No.90 of Thalakanancheri Village, Ullagaram Karunanithi Nagar Development Scheme, Chennai, pertaining to the Allotment Order dated 10.4.1992, lease and sale agreement dated 27.3.1998 and other no objection letters dated 18.3.1998 of the 2nd respondent.

For Petitioner : Mr.S.Gunaseelan
For Respondents 1 & 3 : Mr.V.S.Ramesh
Additional Government Pleader

For 2nd respondent : Mr.S.Prabhu,
Standing Counsel for R

ORDER

The petitioner is a society, among whose members, 164 persons were allotted with housing plots in Survey No.90 of Thalakanancheri Village, Ullagaram in Saidapet Taluk under Karunadihi Nagar Development Scheme, Chennai, through an allotment order dated 10.4.1992. Though the members of the petitioner society have already paid the sale amount and since the respondents have not executed the sale deed in their favour, the present Writ Petition has been filed.

2. Today when an identically placed allottees who had filed Writ Petitions before this Court, viz., W.P.No.34186 to 34190 of 2012, came up for hearing, the following order was passed:-

"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."

3. The members of the petitioner society are also similarly placed as that of the petitioners in the above order. In the present case also, the third respondent had not transferred the lands in favour of the second respondent. By letter dated 9.4.2010, the second respondent had informed the petitioner society that on receipt of the transfer of the lands in their favour, the sale deed would be executed.

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. However, the petitioner in this Writ Petition is a society. Hence, it would not be appropriate to allow the

society to seek for issuance of Sale Deed in favour of its members. On the other hand, liberty is given to such members of the society who had been allotted with plots under Ullagaram Karunanidhi Nagar Development Scheme, to make a fresh representation seeking for execution of sale deed in their favour, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent, shall expedite the execution of the sale deed in favour of the allottees of the petitioner society, if it is otherwise in order, which process should be completed within a period of 12 weeks from the date on which the lands from the third respondent is transferred to them.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

asvm

Copy to:

- 1.The Principal Secretary to Government
Housing & Urban Development Department,
Fort St.George, Chennai - 600 009.
- 2.The Chairman & Managing Director,
The Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
- 3.The District Collector,
Kancheepuram,
Kancheepuram District.

+1cc to Mr.S.Gunaseelan, Advocate Sr.67771

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