

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.33441 of 2016

K. Samundeeswari

.. Petitioner

Versus

1. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chepauk, Chennai 600 005

2. The Estate Officer-I
Tamil Nadu Slum Clearance Board
Chennai 600 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to consider the petitioner's representations dated 10.06.2016 and 15.09.2016 and thereby direct the respondents to issue sale deed in respect of Plot No.72, Door No.83, 3rd Street, New Washermanpet, Chennai 600 081 by receiving appropriate charges towards the same in the name of the petitioner.

For Petitioner : Mr. A. Rajesh Kanna

For Respondents : Mr.S.Prabhu

O R D E R

The petitioner has come up with this writ petition seeking for issuing a Mandamus directing the respondents to consider her representations dated 10.06.2016 and 15.09.2016 and thereby direct the respondents to issue sale deed in respect of Plot No.72, Door No.83, 3rd Street, New Washermanpet, Chennai 600 081 in her favour by receiving appropriate charges towards the same.

2. According to the petitioner, the land and building bearing Plot No.72, Door No.83, 3rd Street, New Washermanpet, Chennai 600 081 was originally allotted by the Tamil Nadu Slum Clearance Board under Deisgan Nagar Scheme to one Vedachalam, to an extent of 74 sq. m. vide proceedings dated 20.02.1984 passed by the 1st respondent. The said allottee was directed to pay a total sum of Rs.3,130/- for the said allotment and the monthly instalment was fixed as Rs.35/- for a period of 10

years. The said Vedachalam was paying the instalment amount to the Board and thereafter, he sold the property to one Geetha. On 07.02.2007, the said Geetha sold the property to one J.Radhakrishnan.

3. It is the case of the petitioner that she purchased the property in question from the said Radhakrishnan on 04.03.2011 for a valid sale consideration through an unregistered Sale Deed and claims to have been paying all the monthly instalments as on date in respect of the said property to the respondents/Board. The grievance of the petitioner is that her request to register the Sale Deed in respect of the said property in her name has not been considered by the respondents, in spite of sending representations to them on 10.06.2016 and 15.09.2016. Therefore, the petitioner is before this Court with this writ petition.

4. The learned counsel appearing for the petitioner would only contend that the representations dated 10.06.2016 and 15.09.2016 submitted by the petitioner are pending on the file of the respondents and no orders are passed thereon. Therefore, the learned counsel for the petitioner only prays this Court to issue appropriate direction to the respondents to pass orders on the representations of the petitioner within a specified time limit.

5. The learned counsel appearing for the respondents would contend that payment of instalment amount by the original allottee or the subsequent payments made by the petitioner will not give her right to seek executing sale deed in her favour. Further, the petitioner has purchased the premises in question by means of an unregistered sale deed and therefore, he prayed for dismissal of the writ petition.

6. Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondents and perused the material documents available on record. As rightly pointed out by the learned counsel for the respondents, the petitioner cannot claim right over the premises in question by virtue of an unregistered sale deed executed in her favour even though she claims to be in possession of the same. It is not known as to how the respondents have received the instalment amount from the petitioner, either in the capacity as a occupier of the premises in question or otherwise when the premises in question was originally allotted in favour of one Vedachalam on 20.02.1984. Even as per the averments of the petitioner, the said Vedachalam sold the building allotted in his favour in favour of Ms. Geetha and she in turn sold the property to the vendor of the petitioner. The petitioner's vendor in turn executed the sale deed in her favour on 04.03.2011. All the sale transactions have taken place by means of unregistered sale deeds only. Therefore, the petitioner cannot assert any right over the premises in question or this Court can issue a Mandamus directing the respondents to execute a sale deed in her favour. The fact remains that representations have been given by the petitioner to the respondents on 10.06.2016 and

15.09.2016 and they are pending with the respondents. Therefore, having regard to the above facts, the respondents are directed to consider the representations of the petitioner, examine whether at all the petitioner is eligible for execution of sale deed, in her favour in view of the claim under unregistered sale deeds and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

aeb/rsh
To:

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai 600 005.
2. The Estate Officer-I,
Tamil Nadu Slum Clearance Board,
Chennai 600 001.

+ 1 cc to Mr.A. Rajesh Kanna, Advocate SR.71750
+ 1 cc to Ms. S. Prabhu, Advocate Sr.72014

सत्यमेव जयते

W.P. No. 33441 of 2016

GJII(CO)
Eu 23.2.17

WEB COPY