

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.4937 of 2016

G.Alagammal

... Petitioner

Vs.

1.The Tamil Nadu Slum Clearance Board
rep by its Managing Director,
Kamaraj Salai, Chennai-5.

2.The Estate Officer
Estate Officer -III
Tamil Nadu Slum Clearance Board
Chennai-40.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondents herein to execute sale deed in pursuance to the plot allotment order dated 04.09.2015 vide proceedings No.se.Mu.Enn.E3/3233/2015 issued by the first respondent in respect of their house sites situated No.234, New Door No.60, Old Door No.41 in S.No.866/9 part at New Anna Nagar in Thirumullaivoyal Village, Under the Tamil Nadu Urban Development Project.

For Petitioner : M/s.A.Selvendran

For respondents : Mr.R.V.Babu

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of mandamus to direct the respondents to execute sale deed in pursuance to the plot allotment order dated 04.09.2015 vide proceedings No.Se.Mu.Enn.E3/3233/2015 issued by the first respondent in respect of their house sites situated No.234, New Door No.60, Old Door No.41 in S.No.866/9 part at New Anna Nagar in Thirumullaivoyal Village, Under the Tamil Nadu Urban Development Project.

3.The petitioner is a slum dweller residing in S.No.866/9 part at New Anna Nagar, Thanthai Periyar Nagar and Annai Sathya Nagar in Thirumullaivoyal Village. The petitioner is poor and down trodden, socially and economically backward person and she is living below the poverty line and struggling for the basic needs i.e, food, cloth and shelter.

4.The similarly placed persons filed writ petition seeking for plot allotment order in their favour in WP.No.4177 of 2015, this court by order dated 18.02.2015 disposed of the writ petition, the operative portion of the said order reads as follows :-

"This writ petition is disposed of, granting liberty to the petitioners to submit their representation individually alongwith the proof of part payment, before the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representations, the first respondent shall consider the claim of the petitioners, on merits and in accordance with law, within a period of four weeks from the date of receipt of the said representation."

5.The respondents failed to comply with the order of this Court dated 18.02.2015, hence the petitioners therein filed contempt petition and the same was closed on production of the allotment order. After issuance of allotment order the respondent has to execute sale deed in favour of the petitioners, they are wantonly evading on the ground that the lands have to be transferred from Government to the Slum Clearance Board.

6.The land where the petitioner residing is now under the control of first respondent, pursuant to the GO.Ms.No.370 Revenue (CA 5(2)) Department dated 09.07.1999, an extent of 7.69.0 hectare of land in the new sub division S.No.866/9 covers the three villages viz., New Anna Nagar, Thanathai Periyar Nagar and Annai Sathya Nagar in Thirumullaivoyal Village. The land delivery receipt was issued in favour of the first respondent on 29.01.2001. Subsequently, lay out approval was also given in favour of the first respondent on 30.07.2004. The petitioner further submit that only after the transfer under the scheme several persons got their property by way of sale deeds executed by the respondent, the act of the respondent is nothing but an vindictive one, the slum dwellers should not be made to suffer even after the issuance of allotment order. Having no other efficacious remedy, the petitioner approached this Court by way of present writ petition.

7.Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel who accepts notice on behalf of the respondents.

8.This Court, without going into the merits of the same, directs the petitioner to submit fresh representation along with the copy of this order within a period of one week from the date of receipt of a copy of this order and on receipt of the said representation, the first respondent shall consider the claim of the petitioner, on merits and in accordance with law, within a period of three weeks, thereon.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu Slum Clearance Board
Kamaraj Salai, Chennai-5.

2.The Estate Officer
Estate Officer -III
Tamil Nadu Slum Clearance Board
Chennai-40.

+1cc to Mr.A.Selvendran, Advocate, S.R.No.9054

W.P.No.4937 of 2016

NM(CO)
CA(25/02/2016)

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