

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.14086 of 2017

B.Thirulochana Kumari

.. Petitioner

Vs.

1.The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Kamaraj Salai, Chennai 600 005.

2.The Estate Officer, Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai 600 040.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the first respondent to issue sale deed by modifying the extent of property from 982.926 sq.ft. to 1080 sq.ft. and in favour of the petitioner S.No.866/9 part at No.29, Indra Gandhi Street, Annai Sathya Nagar, Thirumullaivoyal Village, Chennai 62, under the Tamil Nadu Urban Development project in pursuant to petitioner's representation dated 24/04/2017.

For Petitioner : Mr.P.Prince Preamkumar

For Respondents : Mr.R.Sivakumar
Standing Counsel

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ORDER

The petitioner seeks for a mandamus directing the first respondent to issue sale deed by modifying the extent of property from 982.926 sq.ft. to 1080 sq.ft. and in favour of the petitioner S.No.866/9 part at No.29, Indra Gandhi Street, Annai Sathya Nagar, Thirumullaivoyal Village, Chennai 62, under the Tamil Nadu Urban Development project in pursuant to petitioner's representation dated 24/04/2017.

2.The case of the petitioner is that he is entitled to get the sale deed executed by the Slum Clearance Board in respect of the subject matter property, which according to the petitioner, is an extent of 1080 sq.ft. Therefore, it is contended by the petitioner that the respondent should be directed to execute the sale deed for 1080 sq.ft., since the petitioner has paid the entire arrears in pursuant to an order passed by this Court in W.P.No.36995 of 2016 dated 24.10.2016.

3.Counter affidavit is filed by the respondents. It is contended by the respondents that what is allotted to the petitioner is the plot measuring 982.926 sq.ft. and not 1080 sq.ft., as claimed by the petitioner. It is also brought to the notice of this court that the very allotment order issued in favour of the petitioner dated 24.06.2016 clearly indicates the extent of the

property allotted to the petitioner as 91.35 sq.metre, which is equivalent to 982.926sq.ft.

4. Upon hearing the learned counsel appearing on either side and perusing the order of allotment dated 24.06.2016 issued in favour of the petitioner, it is evident that the extent of property allotted to the petitioner is only 91.35 sq.mtr, for which only the petitioner can seek for execution of the sale deed. It is not in dispute that the petitioner has paid the arrears amount in pursuant to the order passed by this court in W.P.No.36995 of 2016 dated 25.10.2016. When such being the factual position, the respondents are bound to execute the sale deed to the petitioner in respect of the plot allotted to her under the Allotment Order dated 24.06.2016, measuring 91.35 sq.mtr. Such exercise shall be done by the respondents within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते

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31.10.2017

Speaking/Non Speaking

Index:Yes/No

Note:Issue order copy on 06.11.2017.

vri

K.RAVICHANDRABAABU,J.
vri

To

1.The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Kamaraj Salai, Chennai 600 005.

2.The Estate Officer, Estate Officer III,
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Chennai 600 040.



W.P.No.14086 of 2017

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