

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.8692 of 2015
and
M.P.Nos.1 & 2 of 2015
and
W.P.M.P.No.25366 of 2016

V.Balakrishnan
S/o.Vedachalam Petitioner

-Vs-

1. Tamil Nadu Slum Clearance Board,
Rep by its Chairman,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. M.Sankar,
S/o.V.Munusamy @ Raja,
Sonur Village,
Mampakkam Post,
Kelapakkam Via, Kanchipuram District. Respondents

Prayer :

Writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus call for the records relating to the impugned order issued by the 1st respondent in Na.Ka.No.E5/8909/2014 dated 31.10.2014 quash the same, further direct the 1st respondent herein to execute the sale deed in favour of the petitioner 1/4th share after allotting the Plot No.225 (Old No.117) situated at Door No.15, Namachivayapuram West, Choolaimedu, Chennai - 600 094.

For Petitioner : Ms.Subhalaxmi Samanta

For Respondents : Mr.R.Sivakumar, for R1

Mr.Krishna Ravindran, for R2

O R D E R

The present writ petition has been filed challenging the order dated 31.10.2014 passed by the Tamil Nadu slum Clearance Board by which the request of the petitioner to change the allotment in favour of the legal heirs of Mr.Vedachalam, who

is none other than the father of the petitioner, came to be rejected.

2.Taking into consideration of the fact that the matter relates to dispute with regard to Plot No.225, measuring an extent of 875 sq.ft in Namachivayapuram West, Choolaimedu, which has been declared as slum settlement, this Court directed both the parties to arrive at a settlement.

3.When the matter was called on 27.10.2017, it is represented that the dispute between the petitioner and the second respondents has been settled and as per the settlement, the proposed respondent viz., R.Sadasivam agreed to pay a sum of Rs.7,50,000/- [Rupees Seven Lakhs Fifty Thousand Only] towards final settlement to the petitioner. Also on the said date, a demand draft dated 26.10.2017, drawn in Indian Overseas Bank in favour of the petitioner for a sum of Rs.2,50,000/- [Rupees Two Lakhs and Fifty Thousand Only] has been handed over to the learned counsel appearing on behalf of the petitioner in the Court. Further, as per the terms of settlement, the proposed respondent R.Sadasivam agreed to pay the balance amount of Rs.5,00,000/- [Rupees Five Lakhs Only], as soon as the petitioner handover the vacant possession of the property. Therefore, this Court directed the petitioner to vacate the property and bring the keys, so as to receive the balance amount of Rs.5,00,000/-.

4.Today, when the matter is taken up for hearing, Mr.Krishna Ravindran, learned counsel appearing on behalf of the proposed respondent Mr.Sadasivam handed over three Demand Drafts, dated 03.11.2017, drawn in favour of the petitioner, in the State Bank of India [D.D.No.932607 - Rs.2,00,000/-; D.D.No.735763 - Rs.1,50,000/- ; D.D.No.624267 - Rs.1,50,000/-] to the petitioner's wife who is present before this Court. On the other hand, the petitioner's wife handed over the keys of the premises and also the Meter Reading Card issued by the Tamil Nadu Electricity Board, bearing connection No.236-034-1212 which stands in the name of Mr.V.Balakrishnan, to the proposed respondent Mr.Sadasivam.

5.Since the matter has been settled between the parties and the electricity service connection was granted to the petitioner's premises in pursuant to the order passed by this Court, dated 17.08.2015 made in W.P.No.24959 of 2015, this Court directs the Assistant Engineer, Operation and Maintenance, Choolaimedu Unit, TANGEDCO (South), Chennai - 600 094 to transfer the electricity connection standing in the name of Mr.V.Balakrishnan to the name of Mr.Sadasivam, within a period of two weeks from the date of receipt of a copy of this order. Further, the petitioner shall give no objection to change the electricity connection in favour of the proposed respondent Mr.Sadasivam, withing a period of one week from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above directions. Consequently, connection miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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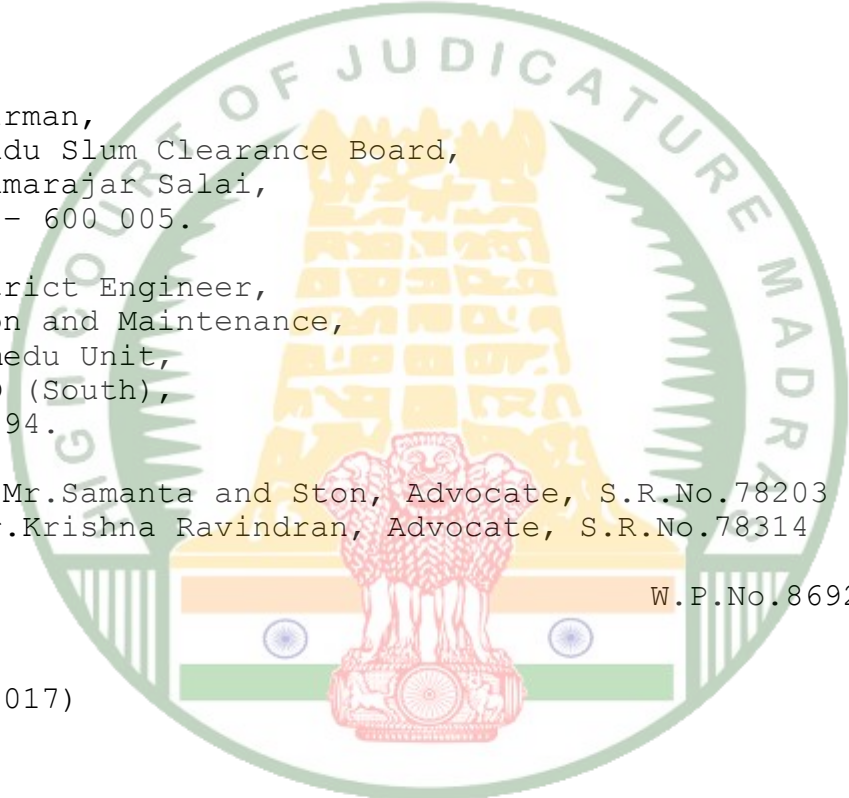
1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2.The District Engineer,
Operation and Maintenance,
Choolaimedu Unit,
TANGEDCO (South),
Chennai 94.

+2cc's to Mr.Samanta and Ston, Advocate, S.R.No.78203
+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.78314

W.P.No.8692 of 2015

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