

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.9996 of 2014

and

M.P.No. 1 of 2014

P.Murugesan

...Petitioner

Vs.

1.The Chairman
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chepakkam
Chennai - 600 005.

2.The Estate Officer-9
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chepakkam
Chennai - 600 005.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 21.03.2014 and thereby direct the respondents to execute the sale deed in favour of the petitioner in respect of the property situated at Flat No.38/13, Ayothi Nagar, Triplicane, Chennai - 600 005 on receipt of the balance sale consideration within a stipulated period of time.

For Petitioner : Mr.A.Rajesh Kannaa

For Respondents : No appearance

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O R D E R

The relief sought for in this writ petition is for a direction to direct the respondent to consider the petitioner's representation dated 21.03.2014 and thereby, direct the respondents to execute the sale deed in favour of the petitioner in respect of the property situated at Flat No.38/13, Ayothi

Nagar, Triplicane, Chennai - 600 005 on receipt of the balance sale consideration within a stipulated period of time.

2.The learned counsel appearing on behalf of the petitioner states that the petitioner is residing at No.38/13, Ayothi Nagar, Triplicane, Chennai - 600 005. Originally the said plot was allotted in favour of one Thiru.Periya Kathavarayan, Son of Nagamuthu and his wife Smt.Ranganayagi, Wife of Periya Kathavarayan during the year 1984. The similarly placed persons were allotted in the other flats by the Tamil Nadu Slum Clearance Board for consideration. Later on, the said Mr.Periya Kathavarayan and his wife sold the above said flat in favour of the writ petitioner. Both Mr.Periya Kathavarayan and his wife executed an unregistered sale deed on 19.09.1984 in favour of the writ petitioner for a consideration of Rs.4,700/-. By virtue of the unregistered sale deed dated 19.09.1984 signed by the original allottee, is the basis for the claim of the writ petitioner for filing the present writ petition.

3.Allotment of a house by the Tamil Nadu Slum Clearance Board cannot be claimed as a matter of right. The writ petitioner was not a original allottee. The original allottee transferred his right in favour of the writ petitioner. Such a transfer of right in respect of allotment of a house is impermissible as per the scheme of the Tamil Nadu Slum Clearance Board. The said transfer was done without prior permission from the respondents. This being the factum of the case, the writ petitioner has not established any legal right.

4.No writ petition can be filed seeking a direction to consider the representation for the purpose of executing a sale deed in favour the writ petitioner. Thus, the relief as such sought for in this writ petition is misconceived and allotment of a house cannot be granted by submitting a representation and this court cannot consider for issuance of any such direction to consider any such representation.

5.Therefore, this writ petition is devoid of merits and stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

maya

To

1.The Chairman
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chepakkam
Chennai - 600 005.

2.The Estate Officer-9
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Chepakkam
Chennai - 600 005.

W.P.No.9996 of 2014

RJ(CO)
CS/08/06/18



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