

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9237 of 2010

Tmt.Thangammal

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.
2. The Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chepauk,
Chennai 600 005.
3. The Estate Officer,
Tamil Nadu Slum Clearance Board,
17th Sector, Sivalingapuram,
K.K.Nagar, Chennai 600 078.
4. Mr.Venkatesan

R4 impleaded as per order dated 17.06.2010,
in M.P.No.1 of 2010 in W.P.No.9237 of 2010 ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the representation made by the petitioner dated 07.04.2010, on merits and in accordance with law considering the petitioner's old age and miserable condition.

For Petitioner : Mr.S.Selvathirumurugan

For Respondents : Mr.R.V.Babu for RR1 to 3
: Mr.V.Anand for R4

O R D E R

The writ petition has been filed to issue a Writ of Mandamus, directing the respondents to consider and pass appropriate orders on the representation made by the petitioner dated 07.04.2010, on merits and in accordance with law considering the petitioner's old age and miserable condition.

2. The case of the petitioner is as follows:-

(i) The petitioner obtained re-allotment order from the respondent Board in respect of the flat bearing No.21/1, Slum Clearance Board Housing Unit, Kotturpuram, Chennai - 600 085, in her name. The rent-cum-sale consideration was paid to the Department from 22.03.1996 onwards and she has paid the full amount to Tamil Nadu Slum Clearance Board in respect of the above housing unit.

(ii) The learned counsel for the petitioner would submit that since the petitioner had paid the entire sale amount, the Board had executed a sale deed in her favour. But, till date, the sale deed has not been handed over to her. When the petitioner approached the third respondent for receiving the sale deed, she was informed that she has to pay outstanding amount to get the sale deed handed over to her. Therefore, the petitioner approached this Court by way of the present writ petition.

3. Heard the counsel on record and perused the materials.

4. The prayer in this writ petition is to consider and pass appropriate orders on the representation of the petitioner dated 07.04.2010. The said representation is to the effect that an allotment was made in favour of the petitioner, for which, she had paid the entire instalments and got the sale deed registered in her favour. But, despite several representations, the sale deed has not been handed over to the petitioner. Therefore, she seeks orders to direct the respondents to hand over the sale deed to her. According to the petitioner, there is no amount due to the respondents and hence, there is no impediment for the respondents to release the document to the petitioner.

5. The learned counsel appearing for the respondents submitted that the respondents would consider the representation on merits.

6. Under such circumstances, the respondents are directed to consider the representation said to have been made by the petitioner on 07.04.2010, if not considered till date, after affording an opportunity of personal hearing to the petitioner

and thereafter, pass appropriate orders on merits. Such an exercise shall be completed by the respondents within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

gsk
To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
Chennai.
2. The Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai, Chepauk,
Chennai 600 005.
3. The Estate Officer,
Tamil Nadu Slum Clearance Board,
17th Sector, Sivalingapuram,
K.K.Nagar, Chennai 600 078.

+lcc to Mr.I.Sathish, Advocate SR.No.54817
+lcc to Mr.V.Anand, Advocate SR.No.54668

RMP (28/09/2018)

W.P.No.9237 of 2010

सत्यमेव जयते

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