

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.16619 of 2018

and

W.M.P.No.19793 of 2018

Chandra ... Petitioner
Vs

1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5.

2. The Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue a Sale Deed in respect of Plot No.73, New Door No.20, Old Door No.18, Thillayadi Valliammai Nagar, Thirumangalam, Chennai-40 in terms of the order of allotment made by the 1st respondent dated 07.05.2003 and made in No.7323/02/E3.

For Petitioner : Mr.G.Ravisankar

For Respondents : Mrs.D.Latha

ORDER

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to issue a Sale Deed in respect of Plot No.73, New Door No.20, Old Door No.18, Thillayadi Valliammai Nagar, Thirumangalam, Chennai-40 in terms of the order of allotment made by the 1st respondent dated 07.05.2003 in No.7323/02/E3.

2. Learned Counsel appearing for the petitioner submitted that the petitioner is an allottee of the Plot No.73, New Door No.20, Old Door No.18, Thillayadi Valliammai Nagar, Thirumangalam, Chennai-40 in terms of the order of allotment made by the 1st respondent dated 07.05.2003 and made in No.7323/02/E3. He has also remitted the entire land cost of

Rs.14,904/- on 13.5.2003 and other cost of Rs.4,156/- on 13.05.2003 and thus, the petitioner has complied with all the terms and conditions of the allotment made by the respondents and has become the absolute owner of the said plot.

3. The learned Counsel for the petitioner further submitted that the Allotment Order dated 07.05.2003 issued by the 1st respondent clearly shows that the petitioner is an allottee of the said plot. However, in the meanwhile, one Mr.Jayaraman filed W.P.No.14862/2003 to cancel the said allotment of the petitioner. But, by order dated 28.9.2016, the said Writ Petition was dismissed by this Court.

4. The learned Counsel for the petitioner also submitted that the counter affidavit filed in W.P.No.14862/2003 by the Tamil Nadu Slum Clearance Board also made it clear that the petitioner has made the entire sale consideration. Therefore, when the said writ petition was dismissed, there is no impediment for the respondents to execute a Sale Deed in respect of the said plot in favour of the petitioner. But the same has not been executed till date. Hence the present Writ Petition.

5. Heard the learned Standing Counsel appearing for the respondents.

6. Considering the facts and circumstances of the matter, this Court is of the view that after the dismissal of the W.P.No. 14862/2003 by order dated 28.09.2016 by this Court, the respondents need not hesitate to execute the sale deed in respect of the Plot No.73, New Door No.20, Old Door No.18, Thillayadi Valliammai Nagar, Thirumangalam, Chennai-40 in favour of the petitioner, since the allotment order has been made by the 1st respondent dated 07.05.2003 in No.7323/02/E3 and the entire cost of the plot has been paid by him. Therefore, the respondents are directed to execute a Sale Deed in respect of the aforesaid plot in terms of the allotment order dated 07.05.2003, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-iv)

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Sub Assistant Registrar

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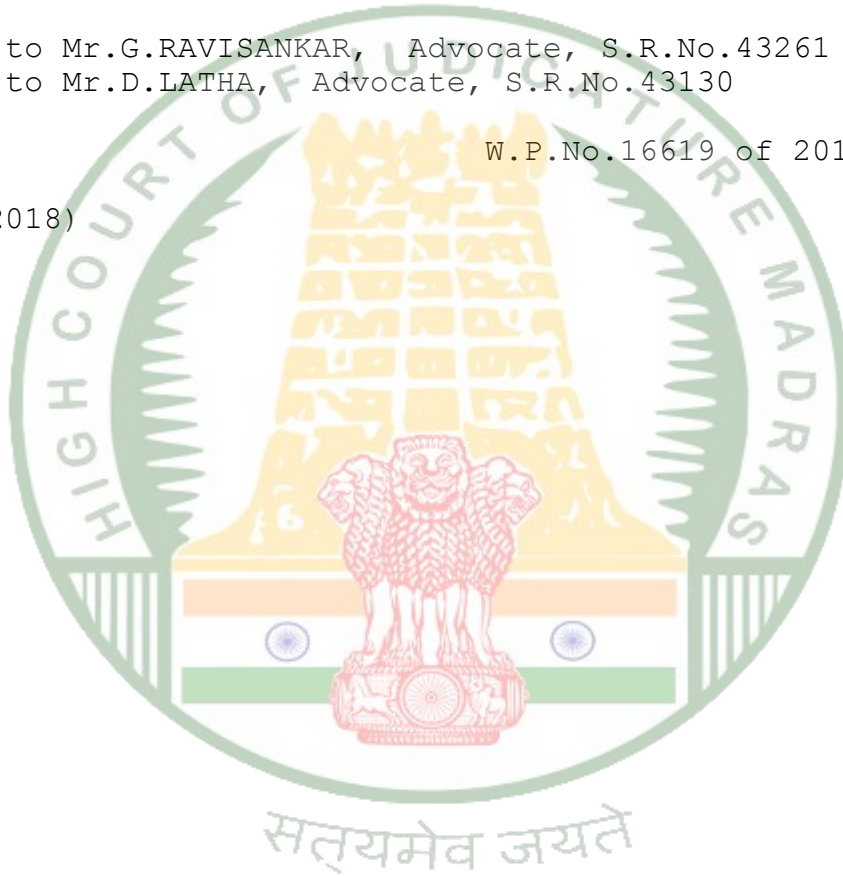
- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5.
2. The Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai,
Chennai-5.

+1cc to Mr.G.RAVISANKAR, Advocate, S.R.No.43261

+1cc to Mr.D.LATHA, Advocate, S.R.No.43130

W.P.No.16619 of 2018

TR(11/07/2018)



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