

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :28.11.2018
CORAM
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.19110 of 2018

S. Chittibabu

.. Petitioner

versus

1. The Secretary to Government,
Housing Urban and Development Department,
Fort St. George,
Chennai - 600 009.

2. The Chairman,
Tamil Nadu Slum Clearance Board,
Ezhilagam, Chennai - 600 005. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to execute Lease cum Sale Deed of the property situated at No.34/18, Vinoba Ji Street, G.K.M. Colony, Chennai - 600 082 as per the judgement and Decree dated 21.10.1994 passed in O.S.No.551/1985 by the learned V Assistant Judge, City Civil Court, Chennai in favour of the petitioner herein.

For Petitioner : Mr.R.Ramesh

For R1 : Mr.N.Inbanathan
Additional Government Pleader

For R2 : Ms.D.Latha

सत्यमेव जयते
O R D E R

The prayer in the writ petition is for a direction to the respondents herein to execute Lease cum Sale Deed of the property situated at No.34/18, Vinobaji Street, G.K.M. Colony, Chennai - 600 082 as per the judgement and Decree dated 21.10.1994 passed in O.S.No.551/1985 by the learned V Assistant Judge, City Civil Court, Chennai in favour of the petitioner herein.

2. The father of the petitioner was serving in Indian Army. The Government allotted him the property situated at Door No.34/18, Vinobaji Street, G.K.M. Colony, Chennai - 600 082 and

he was residing there till his death. There was an encroachment in the property, which resulted in filing O.S.No.551 of 1985 for declaration and permanent injunction. The suit was decreed in favour of the petitioner's father on 21.10.1994. An appeal in A.S.No.4 of 1996 before the V Additional City Civil Court, Chennai was preferred and the same was dismissed on 26.06.1997. The Decree and Judgment passed in the suit reached finality and there was no further appeal filed by him. In the meanwhile, the father of the petitioner died on 04.02.1997. After his death, his children, including the petitioner have been living in the said premises. As one of the legal heirs, the petitioner approached the second respondent to execute Lease cum Sale Deed of the above mentioned property in their favour. As there was no response, the petitioner had submitted a representation on 27.04.2018, but, the same is yet to be disposed of by the second respondent. Hence, the petitioner is before this Court.

3. Heard Mr.R.Ramesh, learned counsel appearing for the petitioner and Mr.N.Inbanathan, learned Additional Government Pleader appearing for the first respondent and Ms.D.Latha, learned counsel appearing for the second respondent.

4. The decree in O.S.No.551 of 1985 also binds the second respondent-Slum Clearance Board, who is the second defendant in the suit to execute the Lease cum Sale Deed in favour of the petitioner's father with respect to the same property. So there cannot be any impediment for the second respondent to execute the Lease cum Sale Deed based on the representation made by the petitioner.

5. Accordingly, the second respondent is directed to execute the Lease cum Sale Deed of the petition mentioned property situated in No.34/18, Vinobaji Street, G.K.M. Colony, Chennai - 600 082 as per decree dated 21.10.1994, after due enquiry by issuing notice to the petitioner and the persons interested in this regard and also after affording them an opportunity of personal hearing and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order

6. With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

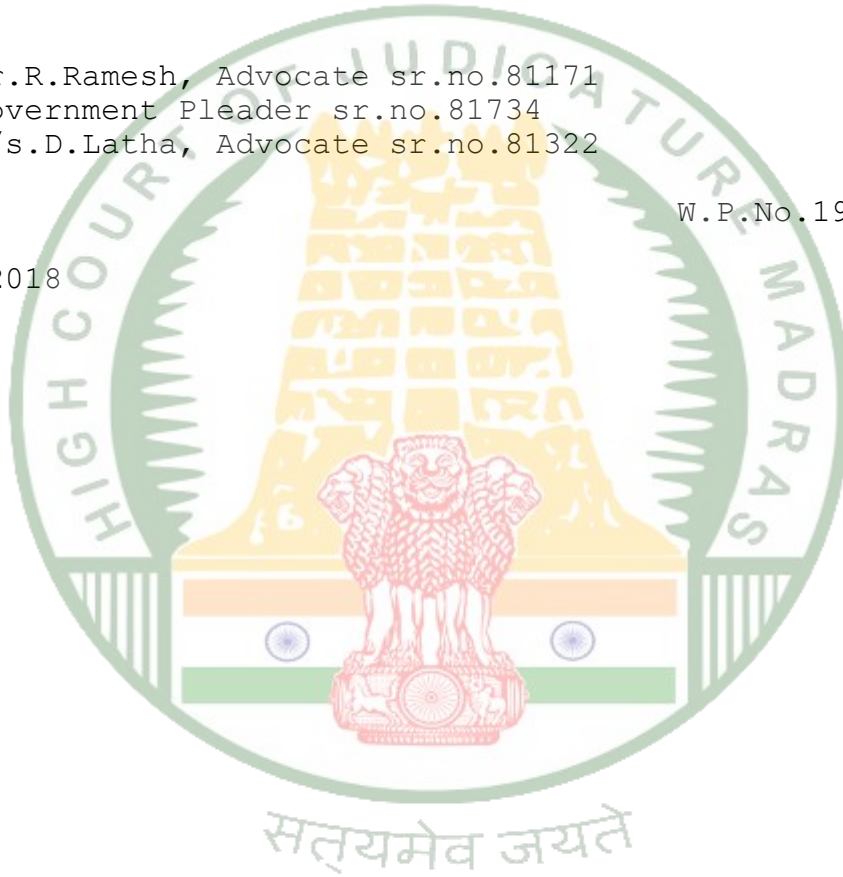
1. The Secretary to Government,
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2. The Chairman,
Tamil Nadu Slum Clearance Board,
Ezhilagam, Chennai - 600 005.

+1cc to Mr.R.Ramesh, Advocate sr.no.81171
+1cc to Government Pleader sr.no.81734
+1cc to M/s.D.Latha, Advocate sr.no.81322

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