

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14960 of 2010

Muninathan

... Petitioner

Vs.

Tamil Nadu Slum Clearance Board,
rep.by its Chairman, No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005. ... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent's proceedings dated 24.03.2004 bearing No.,3/4745/2003 and consequential proceedings dated 25.1.2010 bearing No.,3/23036/2005 and quash the same and further direct the respondent to issue sale deed pertaining to Plot No.209 in favour of the petitioner.

For Petitioner : Mr.A.Prabhakaran

For Respondent : Mr.S.Prabhu

ORDER

The petitioner has come up with the present writ petition to quash the proceedings dated 24.03.2004 and 25.01.2010 issued by the respondent and consequently, direct the respondent to issue sale deed pertaining to Plot No.209 in favour of the petitioner.

2.Today, when the matter is taken up for consideration, the learned counsel for the petitioner fairly submitted that the petitioner filed a suit in O.S.No.6004/97 before the City Civil Court, Chennai, for permanent injunction in respect of the property in Plot No.209 and the said suit was ultimately, dismissed and hence, nothing survives for adjudication in this writ petition. The learned counsel further submitted that during the pendency of the suit, as per the order made in I.A.No.15940/97 in O.S.No.6004/97, the petitioner deposited a sum of Rs.5,900/- to Reserve Bank of India and hence, the petitioner may be given liberty to approach the authority

concerned with a representation for refund of the said deposit amount, for which, the learned counsel for the respondent has no serious objection.

3. In view of the submissions so made by the learned counsel on either side, this Court disposes of this writ petition, with liberty to the petitioner to approach the authority concerned with a fresh representation enclosing the required documents, with regard to the claim of refund of the deposit amount within a period of two weeks from the date of receipt of a copy of this order. On such approach, the authority concerned shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

Tamil Nadu Slum Clearance Board,
rep.by its Chairman, No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.

+1cc to M/S.P.Hari Babu, Advocate Sr.48386

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srg 6/9/2018

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