

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.09.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 17587 of 2013

1.D.Senthil Nathan
2.D.Murugan
3.D.Meganathan

Petitioners

Vs

1.The Chairman,
Tamil Nadu Slum Clearance Board,
No:5, Kamarajar Salai,
Chennai - 600 005.

2.Pushpa

3.Kumaresan

4.Devakiammal

Respondents

(R2 to R4 were impleaded vide order
dated 18.09.2018 in MP.No.2 of 2013)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue sale deed to the petitioners dividing into 3 equal shares of plot No. 2269 Anna 5th street, M.G.R.Nagar Chennai. 78 extent 1181 ½ sq.ft of land as per the will executed by the petitioners' father on 08.01.1998.

For Petitioner : Mr.G.Appavu

For Respondents : Mr.I.Sathish for Mr.R.V.Babu for R1
Mr.K.N.Pandian for R2 to R4

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent to issue Sale Deed to the petitioners, dividing into 3 equal shares of plot No. 2269 Anna 5th street, M.G.R.Nagar Chennai-78, extending 1181 ½ sq.ft of land, as per the Will executed by the petitioners' father on 08.01.1998.

2. The Grievances of the writ petitioner is that the Sale Deed has not been executed in favour of the writ petitioners by dividing into 3 equal shares of plot No.2269 Anna 5th Street,

M.G.R. Nagar, Chennai 78 extent 1181 ½ sq. ft. of land as per the Will executed by the petitioners father on 08.01.1998.

3. Mr.R.Kotteswaran, Superintendent in Tamil Nadu Slum Clearance Board, Chennai-600 005 is present before this Court along with files and further appearance of him is dispensed with.

4. This Court is of an opinion that in a writ jurisdiction no such direction can be granted to issue the Sale Deed, in the absence of establishing the legal rights and also without verifying the original documents in this regard. Such complex facts and circumstances can never be adjudicated in the writ proceedings.

5. The learned counsel appearing for the respondents states that the writ petitioners have not produced the required documents enabling the respondents to proceed in accordance with law. In the absence of producing any such documents, the respondents will not be in a position to proceed further in respect of registering a Sale Deed or otherwise. The eligibility and other conditions are also to be verified in respect of all such allotments. Thus, in the event of producing all such relevant documents, the case of the writ petitioner will be considered on merits and in accordance with law.

6. The learned counsel appearing for the petitioner states that all the documents were already produced before the Tamil Nadu Slum Clearance Board by the writ petitioners, but the same was not considered. When such disputed facts are raised by the respective parties, this Court cannot verify the documents by conducting an enquiry under Article 226 of the Constitution of India. All the original documents produced by the petitioner to be verified by the officials concerned and accordingly, further action will be initiated by following the Rules in force.

7. This Court is of an opinion that Rules and Regulations in this regard are to be followed strictly and accordingly, there cannot be any violation in respect of grant of allotment or registering the Sale Deeds in favour of the individuals. The Tamil Nadu Slum Clearance Board / respondent is bound by the Rules and Regulations and in the event of producing all such documents, after verifying the genuinity of the same, the respondents shall act in accordance with law. This being the principles to be followed, the writ petitioner is directed to submit all the required documents to the respondents and in the event of submitting all such documents to the respondents, the respondents shall consider the same in accordance with the Rules and Regulations of the Board and pass orders on merits and in accordance with law.

8. Accordingly the writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

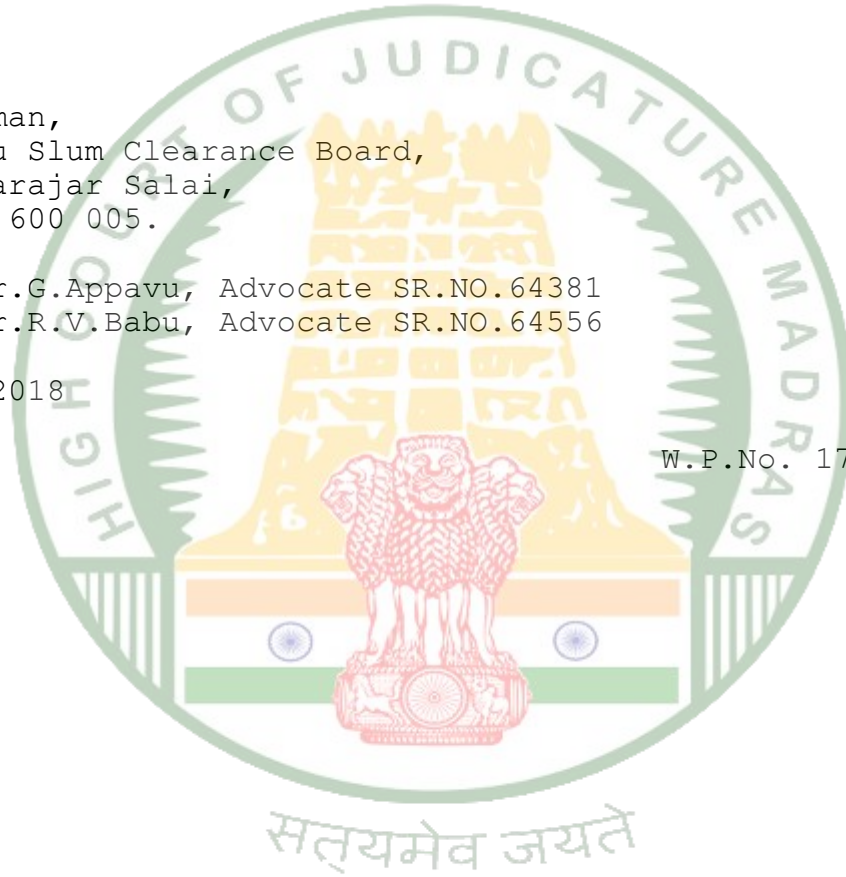
sk/kmm
To

The Chairman,
Tamil Nadu Slum Clearance Board,
No:5, Kamarajar Salai,
Chennai - 600 005.

+1cc to Mr.G.Appavu, Advocate SR.NO.64381
+1cc to Mr.R.V.Babu, Advocate SR.NO.64556

sm:29.10.2018

W.P.No. 17587 of 2013



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