

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.10387 of 2011

D.Gnanasekaran

..Petitioner

Vs

1.The Chairman,
Tamilnadu Slum Clearance Board,
Kamaraj Salai,
Chennai - 600 005.

2.The Estate Officer,
Tamilnadu Slum Clearance Board,
Vysarpadi, Chennai -600 039.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondents to execute and register the sale deed infavour of the petitioner in respect of house and ground bearing Flat No.48, Melpatti Ponnappa Mudali Street, 2nd Floor, Vysarpardi, Chennai-600 039.

For Petitioner : Ms.Tamilselvi
for M/s.Devadas Associates

For Respondents : Mr.S.Prabhu
Standing Counsel

O R D E R

Heard Ms.Tamilselvi, learned counsel for the petitioner, Mr.S.Prabhu, learned Standing counsel for the respondents and perused the materials available on record.

2.The prayer sought for in this writ petition is to issue a writ of mandamus, directing the respondents to execute and register the sale deed in favour of the petitioner in respect of house and ground bearing Flat No.48, Melpatti Ponnappa Mudali Street, 2nd Floor, Vysarpardi, Chennai-600 039.

3. According to the petitioner, he applied for allotting a Flat under MIG group vide application No.5623 and was allotted Flat No.48, in Vysarpadi and the price of the flat was fixed at Rs.3,98,000/-. As per the option available, he paid 50% down payment and the remaining amount has to be paid within a period of 15 years on a monthly installment of Rs.3,072/-.

4. The learned counsel for the petitioner would submit that the entire cost of the flat viz., Rs.4,78,400/- was paid by the petitioner. Now, the grievance of the petitioner before this Court is that even though he paid the entire cost of the flat, the respondent-Tamil Nadu Slum Clearance Board is not coming forward to execute the sale deed.

5. The learned Standing counsel appearing for the respondents would submit that the total amount for the flat is Rs.4,78,400/-, however, the petitioner has paid only a sum of Rs.3,96,512/-. It is further submitted that as per the allotment condition and the Rules of the respondent Board, the allottee should be in possession of the property, but, in this case the allottee is not in possession.

6. Taking note of the above facts that the allotment in favour of the petitioner is not disputed and since it is alleged by the respondents that there is violation in the allotment condition as well as in the payment made by the petitioner, this writ petition is disposed of, only by directing the petitioner to give a fresh representation to the first respondent within a period of two weeks, by enclosing a copy of this order and all relevant documents. On such compliance, the first respondent shall consider the same and pass orders on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner within a period of six weeks thereafter. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

ms

To

1.The Chairman,
Tamilnadu Slum Clearance Board,
Kamaraj Salai,
Chennai - 600 005.

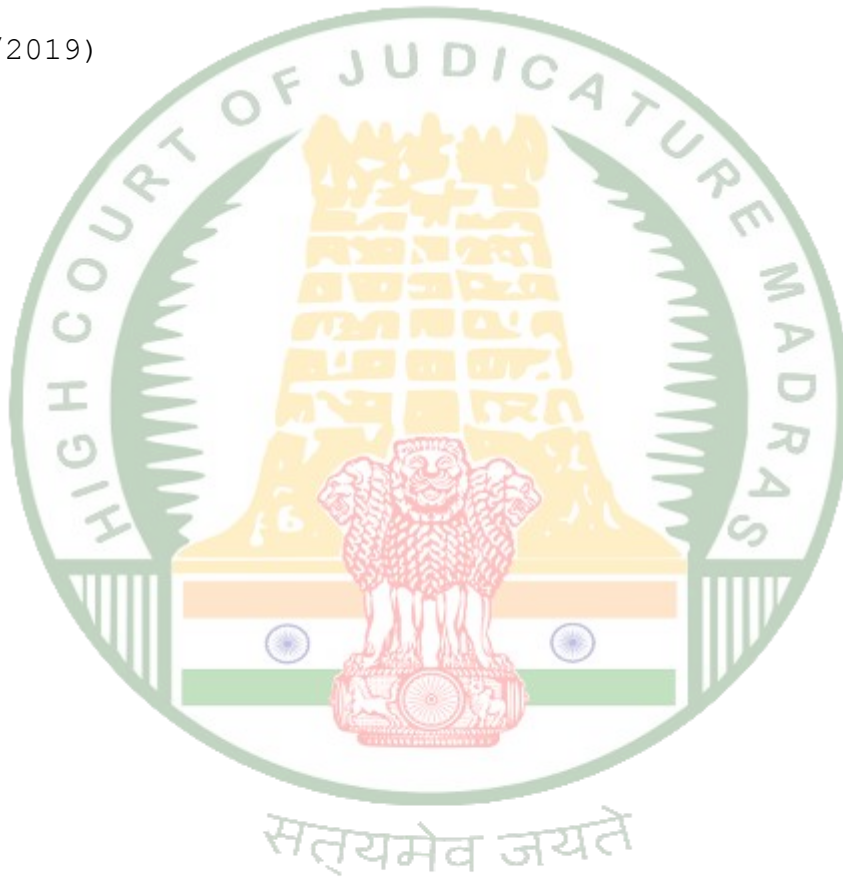
2.The Estate Officer,
Tamilnadu Slum Clearance Board,
Vysarpadi,
Chennai -600 039.

+2cc to M/s.P.Devadas Associates, Advocate SR.No.53740

+1cc to Mr.S.Prabhu, Advocate SR.No.53581

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VBA (CO)
GMY (13/08/2019)



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