

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.16825 of 2014

J.Anthony ... Petitioner

Vs.

1.The Chairman-cum-Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600 005.

2.The Estate Officer-V,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram,
Chennai - 600 010.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.05.2014 and to execute and register sale deed in his favour in respect of house property bearing door No.24, Plot No.60, Market Street, Venkatasampuram, T.P.Chathiram, Chennai-600 030.

For Petitioner : Mr.S.V.Ilamvazhuthi

For Respondents : Mr.B.Kesavan
Standing Counsel for R1 & R2

O R D E R

The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 26.05.2014 and to execute and register sale deed in his favour in respect of house property bearing door No.24, Plot No.60, Market Street, Venkatasampuram, T.P.Chathiram, Chennai-600 030.

2. According to the petitioner, a flat bearing door No.24, Plot No.60, Market Street, Venkatasampuram, T.P.Chathiram, Chennai-600 030 was allotted by the Tamil Nadu Slum Clearance Board and he had been paying the monthly installments to the respondent-Board in respect of the house property until 2005 and thereafter, the respondent-Board issued a letter to him stating that if the allottee would pay the entire amount on a single payment, the sale deed will be executed in favour of the allottee. Hence, the petitioner paid to entire balance sum of Rs.15,944/- on 03.01.2005 and the respondent-Board had also issued the receipt stating that no due amount or such other installments payable by the petitioner. Thereafter, the petitioner approached the respondents, requesting to execute and furnish sale deed in his favour and also sent a representation on 26.05.2014. Since there was no response from the respondent-Board, the petitioner is before this Court.

3. The learned Standing Counsel for the respondent has drawn the attention of this Court by relying upon counter filed by the respondents, wherein, it is stated that the Government has not yet transferred the land in the name of the Tamil Nadu Slum Clearance Board and hence, the respondent could not issue or execute the sale deed. It is further stated that the petitioner's peaceful possession and enjoyment in the allotted plot will not be disturbed by the respondent and the sale deed will be executed only after the transfer of concerned land in the name of Tamil Nadu Slum Clearance Board by the Government. Further, the learned Standing Counsel by referring the Government Order in G.O.Ms.No.78, Housing and Urban Development Department, dated 15.06.2018, would state that the Government has appointed an "Empowered Committee" for execution of sale deed in favour of beneficiaries. It is further stated that till the decision is taken by the Empowered Committee, the petitioner's land will not be disturbed.

4. It is seen from the counter affidavit that the respondent-Board did not issue or execute the sale deed in favour of the petitioner for the reason that the Government has not yet transferred the land in favour of the Tamil Nadu Slum Clearance Board. Further, the submission made by the learned Standing Counsel for the respondents is that the Government issued a Government Order in G.O.Ms.No.78, Housing and Urban Development Department, dated 15.06.2018, constituting an "Empowered Committee" for execution of sale deed in favour of beneficiaries. Therefore, in my considered view, at this point of time, the prayer sought for in the Writ Petition cannot be acceded to and the same is liable to be rejected.

5. Recording the above said submissions and stand taken in

the counter, the Writ Petition is disposed of. There is no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Chairman-cum-Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600 005.

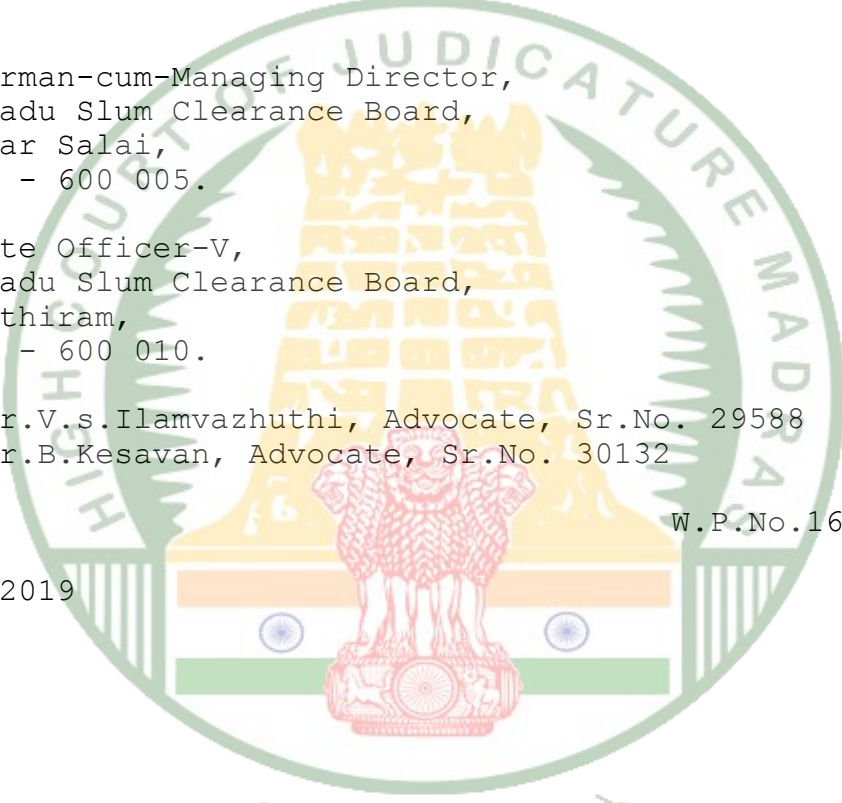
2.The Estate Officer-V,
Tamil Nadu Slum Clearance Board,
T.P.Chathiram,
Chennai - 600 010.

+1 cc to Mr.V.s.Ilamvazhuthi, Advocate, Sr.No. 29588

+1 cc to Mr.B.Kesavan, Advocate, Sr.No. 30132

W.P.No.16825 of 2014

RJI (CO)
CSL/01.07.2019



सत्यमेव जयते

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