

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15134 of 2016

M.P.Devadoss Middle School,
Rep by its Manager & Correspondent D.Amarjothi,
No.73 E.H.Road, Vyasarpadi,
Chennai - 39.

P1-amended as per order dt. 24.01.2018
in W.M.P.No.20805/2017
in W.P.No.15134/2016 Petitioner

vs

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to issue sale deed for the Plot No.200 Door No.73 measuring 22.75 square meters situate at Chennai Vysarpadi Erunkancherri High Ways Scheme in terms of the allotment order of the 1st respondent dt 5.9.1986 and made in No.127

For Petitioner : Mr.K.P.Suresh Kumar

For Respondents : Ms.D.Latha

ORDER

This writ petition is heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The prayer sought for in this writ petition is for a direction to the respondents to issue sale deed for the Plot No.200, Door No.73 measuring 22.75 square meters situate at Chennai Vysarpadi Erunkancherri High Ways Scheme in terms of the allotment order of the 1st respondent dated 05.09.1986 and made in No.127.

3. The petitioner-school is being run for the benefit of socially and economically backward children residing in the slums. It is stated that there are about 500 children studying there. The land in which the school is situate originally leased out by the Collector of Madras on 15.03.1979. However, the allotment order was passed only on 05.09.1986 fixing the land cost at Rs.6,82,500/-. Though it was originally assigned land, subsequently it was allotted on payment of cost. Hence, the petitioner started making certain payments as per the allotment order dated 05.09.1986. The petitioner had so far paid only Rs.2,67,670/- against the sum of Rs.6,82,500/- payable. When the petitioner approached the respondents for execution of the sale deed after paying the balance of the amount, a calculation was given to the petitioner claiming a sum of Rs.70,73,481/-, which is the amount payable as on 19.11.2019. The petitioner also agreed to pay 12% interest.

4. To eliminate any kind of differences in the calculation, this Court had directed the petitioner to appear before the respondents on 10.09.2020. Accordingly, the petitioner had appeared before the officials of the respondents and the final sum of Rs.70,73,481/- payable as on November, 2019 was confirmed. However, the petitioner seeks one year time to pay the said amount.

5. The learned counsel appearing for the respondents even though may agree for the time, but insisted on the interest being paid on the said sum. The petitioner, to show its bona fides, offered to pay a sum of Rs.5,00,000/- within a period of one week from today. If any such payment is made by the petitioner, that may be credited to the said account by the respondents and the balance of the amount will carry interest at the rate of 12% per annum, if it is paid within a period of one year.

5. With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gg/rsi

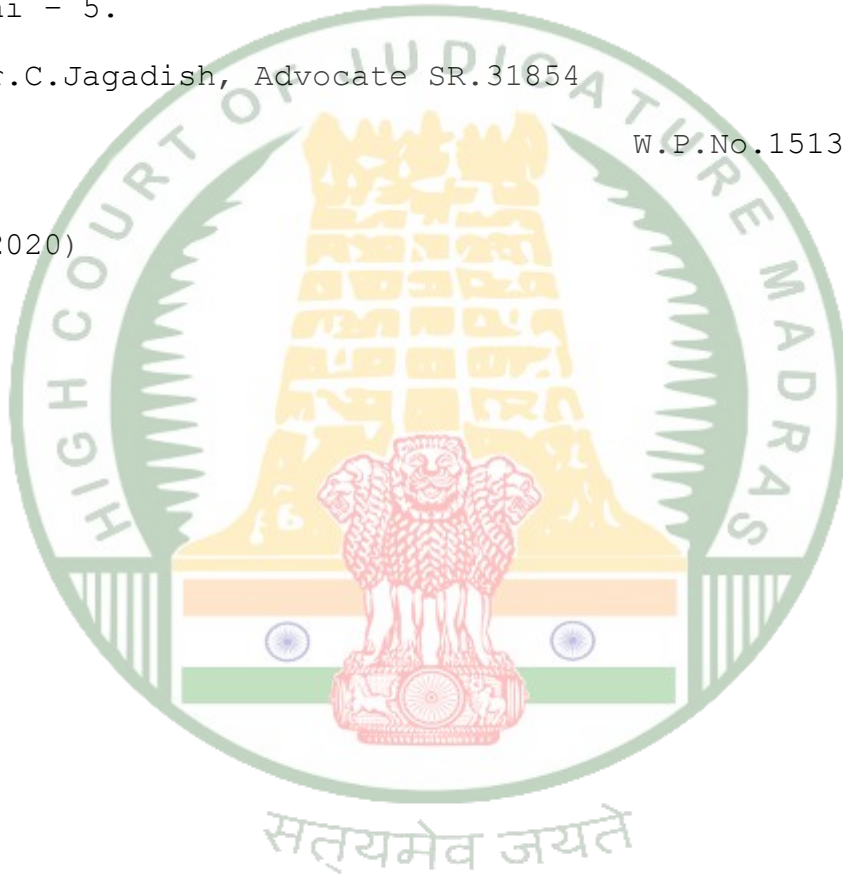
To

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5.

+1cc to Mr.C.Jagadish, Advocate SR.31854

W.P.No.15134 of 2016

SSD(CO)
CB(02/11/2020)



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