

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14019 of 2020

Y.Shanthi

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salari,
Chepauk, Chennai - 600 005.
 2. The Secretary/Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salari,
Chepauk, Chennai - 600 005.
 3. The Estate Officer,
Tamil Nadu Slum Clearance Board,
Vyasarpadi, Chennai - 600039.
- ... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to execute the Sale Deed to the petitioner as per the allotment order dated 01.09.1993 for the plot bearing Plot No.57, Door No.70 in Survey No.794/13 measuring 327 sq.ft. (30.40 sq.metre) in Munniappan Naickan Street, Perambur, Chennai - 600 011.

For Petitioner : Mr.R.Manickavel

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the first respondent to execute the Sale Deed to the petitioner as per the allotment order dated 01.09.1993 for Plot No.57, Door No.70 in Survey No.794/13 measuring 327 sq.ft. (30.40 sq.metre) in Munniappan Naickan Street, Perambur, Chennai - 600 011.

2. The case of the petitioner is that an extent of 327 sq.ft. in Plot No.57 in Door No.70 in S.No.794/13 situated in Munniappan Naickan Street, Perambur, Chennai - 600 011, was allotted to the grandmother of the petitioner namely, Saradhammal by allotment order dated 01.09.1993. After which, she has also obtained a No Objection Certificate for sewerage and pipeline connection, electricity connection, etc. The said Saradhammal died on 13.04.2002 leaving behind one Selvi, who is the mother of the petitioner. The mother of the petitioner also died on 07.12.2012 surviving the petitioner as her sole legal heir. Though the plot was allotted on 10.08.1994 and the full costs was paid as early as 12.02.1996, the Slum Clearance Board has not executed the sale deed. As the Board started issuing the sale deed to few of the neighbours, namely, Govindammal, Sundari, etc., the petitioner also approached the respondent for issuance of the sale deed.

3. Despite repeated requests, the respondents Board has not executed the sale deed in favour of the petitioner. Hence, the above Writ Petition has been filed seeking a direction to the first respondent to execute the sale deed.

4. The learned counsel for the respondents, upon instructions, would state that the petitioner has to produce the legal heirship certificate and on production of which, the sale deed will be executed.

5. Admittedly, the petitioner has also not produced the legal heirship certificate. The learned counsel for the petitioner would also state that he would obtain the legal heirship certificate and file the same before the authority and get the sale executed in favour of the petitioner. The petitioner is also not able to say as to why she is unable to obtain the legal heirship certificate when the particulars show that her mother died in Thiruvannamipur only and no other rival claimants are there.

6. Therefore, the petitioner is directed to furnish the legal heirship certificate, which is the only document pending to be furnished by the petitioner for the purpose of executing the sale deed in her favour.

7. In the light of the above, the first respondent is directed to execute the sale deed in favour of the petitioner as per the allotment order dated 01.09.1993 for the plot bearing Plot No.57, Door No.70 in Survey No.794/13 measuring 327 sq.ft. (30.40 sq.metre) in Munniappan Naickan Street, Perambur, Chennai - 600 011, within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is also open to the respondents to accept any other undertaking or indemnity bond

from the petitioner in lieu of the legal heirship certificate, in the event, the petitioner is unable to obtain the legal heirship certificate.

With the above directions, the Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salari,
Chepauk, Chennai - 600 005.
2. The Secretary/Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salari,
Chepauk, Chennai - 600 005.
3. The Estate Officer,
Tamil Nadu Slum Clearance Board,
Vyasarpadi, Chennai - 600 039.

+1cc to M/s.R.Manickavel, Advocate, S.R.No.40456

+1cc to M/s.B.s.Sundaramoorthi, Advocate, S.R.No.40030

W.P.No.14019 of 2020

br (CO)

rv(07/01/2021)

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