

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.17044 of 2017

K.Jeyalakshmi

.. Petitioner

Vs

1.The Inspector General of Registration,
O/o. Registrar,
Santhome, Chennai.

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

3.T.Saambasivam

4.S.Saroja

5.S.Vengatesan

6.S.Pushpa

(R6 is impleaded by TSSJ vide order
dt.20/2/2020 in WMP.No.36865/18
in W.P.No.17044/17

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records to the proceedings of the second respondent in Ref.No.E8/15097/2015 dated 12.04.2017 and consequential proceedings of the first respondent in Ref.No.6143/C1/2017, dated 16.03.2017, and quash the same and direct the first respondent to entertain registration of the property in favour of the petitioner on the basis of allotment dated 06.03.2008.

For Petitioner : Mr.M.A.Muthalakan

For R1 : Mr.P.P.Purushothaman, GA

For R2 : Ms.D.Latha

For R4 & R5 : No Appearance

R3 - deceased

ORDER

Heard Mr.M.A.Muthalakan, learned counsel appearing for the petitioner, Mr.P.P.Purushothaman, learned Government Advocate appearing for the first respondent, and Ms.D.Latha, learned counsel appearing for the third respondent.

2. The petitioner is a daughter of fourth respondent/S.Saroja and wife of Krishnamoorthy. During the pendency of the writ petition, the petitioner's father died and one other sister Pushpa has been impleaded as sixth respondent. Dispute in the writ petition pertains to a plot allotted by the Tamil Nadu Slum Clearance Board. The plot was allotted in favour of the fourth respondent/mother of the petitioner and sale deed has been executed in her favour by the Slum Clearance Board vide sale deed dated 14.11.2006 registered as Document No.3281/2006.

3. The petitioner's case is that plot number has been wrongly mentioned and the correct plot number is plot No.163, instead 164A has been mentioned and the petitioner's mother/fourth respondent herein has also got another property. However, if it is a simple error of wrong plot number, the Slum Clearance Board can always verify the records and execute the Rectification Deed. But, in the present case, the same cannot be done because the petitioner's mother/fourth respondent has settled the property in favour of the petitioner's brother / fifth respondent-S.Venkatesan and the transaction has already taken place vide settlement deed dated 26.04.2012 registered as Document No.988/2012. Therefore, as rightly observed by the second respondent, the petitioner has to necessarily approach the Civil Court establishing her right over the property. In the Civil Suit, the Tamil Nadu Slum Clearance Board has to be made as a party as well as legal heirs of the respondents 3 and 4 who are father and mother of the petitioner. If the petitioner is able to succeed in obtaining the decree, then it will be open to the petitioner to approach the second respondent for appropriate orders.

4. Learned counsel for the petitioner has pressed into service the proceedings of the second respondent dated 06.03.2008, wherein, according to the petitioner, the second respondent Slum Clearance Board has accepted that the petitioner is the person who is lawfully entitled for allotment in respect of plot No.164A. This contention can be raised by the petitioner before the Civil Court.

5. In the result, the writ petition is disposed of with the above observation. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

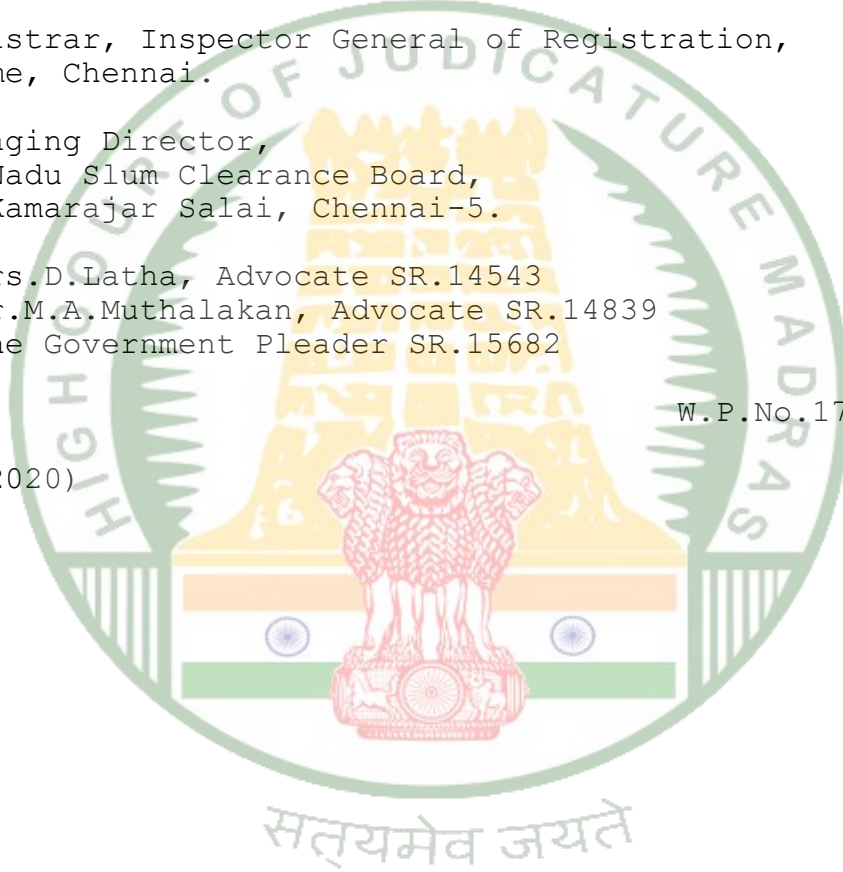
1.The Registrar, Inspector General of Registration,
Santhome, Chennai.

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

+1cc to Mrs.D.Latha, Advocate SR.14543
+1cc to Mr.M.A.Muthalakan, Advocate SR.14839
+1cc to the Government Pleader SR.15682

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KK(CO)
CB(16/03/2020)



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