

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.1882 of 2021

1.A.Sundari
2.A.Amutha
3.A.Kumutha

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Petitioners

Vs

1.The Chief Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Chairman and Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider the petitioner's representation dated 25.09.2020.

For Petitioners ... Mr.S.Elan Kumaran

For Respondents 1 ... Mr.V.Shanmuga Sundar,
Special Government Pleader

For Respondent 2 ... Mr.M.Rajasekar,
Standing Counsel

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to consider the petitioner's representation dated 25.09.2020 seeking for relaxation of the condition imposed under the sale deed executed in favour of the first petitioner's husband by the second respondent and pass final orders within a time frame to be fixed by this Court.

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2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice for the first respondent and Mr.M.Rajasekar, Standing Counsel accepts notice for the second respondent. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioners that the second respondent executed a sale deed in favour of the first petitioner's husband Mr.Arul on 20.08.2020 registered as document No.1776 of 2020. According to the petitioners, Mr.Arul died on 22.12.2013. It is the case of the first petitioner that she is planning to get the third respondent married, for which, she requires money. However under the sale deed dated 20.08.2020, there was a condition imposed, whereby the purchaser has been restrained from selling the property for a period of ten years from the date of the said sale deed. Therefore, the petitioners have sought for relaxation of the said condition under their representation dated 25.09.2020. Since the representation has not been considered, the petitioners have filed this writ petition.

4. Heard Mr.S.Elan Kumaran, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the first respondent and Mr.M.Rajasekar, Standing Counsel for the second respondent.

5. Mr.M.Rajasekar, learned Standing counsel for the second respondent on instructions would submit that the second respondent is willing to consider the petitioner's representation based on G.O.Ms.No.131 dated 02.11.2018 on merits and in accordance with law within a time frame to be fixed by this Court.

6. No prejudice will be caused to the respondents, if the petitioners' representation seeking for relaxation of the said condition imposed under the sale deed is considered by them on merits and in accordance with law and in the light of the aforementioned G.O.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioners' representation dated 25.09.2020 seeking for relaxation of sale condition imposed under the sale deed dated 20.08.2020 registered as document No.1776 of 2020 executed by the second respondent in favour of the first petitioner's husband Mr.Arul and pass final orders on merits and in accordance with law and in the light of G.O.Ms.NO.131 dated 02.11.2018 within a period of eight weeks

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from the date of receipt of a copy of this Order.

8 . With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

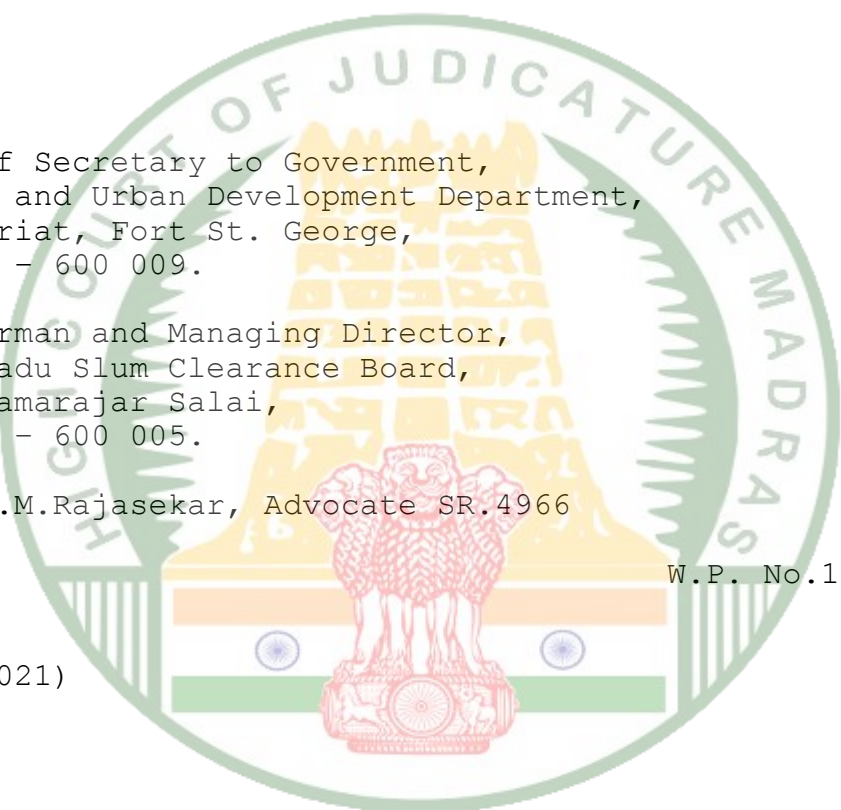
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+1cc to Mr.M.Rajasekar, Advocate SR.4966

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