

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.9627 of 2018
and
W.M.P.No.11547 of 2018

S.Subramaniya Pandian
S/o.Sivaramathalaivar

... Petitioner
Vs.

1.The Chairman Cum Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai-4.

2.The Estate Officer,
Estate Office-5.
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-10.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to execute the sale deed in favour of the petitioner in so far it relates to house site situated at Plot No.126, Door No.105 in T.S.No.61, Block No.18, Namachivayapuram, Choolaimedu, Chennai - 94, by taking note of G.O.Ms.No.9, Commercial Taxes and Religious Endowment Department, dated 08.01.1998.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Prabhu

ORDER

This writ petition is filed for issuances of the Writ of Mandamus, to direct the respondents to execute a sale deed in favour of the petitioner in so far relates to house site situated at Plot No.126, Door No.105 in T.S.No.61, Block No.18, Namachivayapuram, Choolaimedu, Chennai - 94, by taking note of G.O.Ms.No.9, Commercial Taxes and Religious Endowment Department, dated 08.01.1998.

2. In the affidavit filed in support of the writ petition, it is stated that the petitioner purchased a house site

measuring an extent of 875 Sq.ft along with a hut situated at Plot No.126 from one Stanley, S/o.A.Aruldoss by way of a registered sale deed dated 22.01.1987 vide Document No.181 of 1987. The property was allotted in favour of the vendor of petitioner's vendor as admitted by the Tamil Nadu Slum Clearance Board. After the petitioner purchased the property, the sale deed was not executed in favour of the petitioner. The petitioner has now come before this Court seeking for a relief to direct the respondents/Slum Clearance Board to execute the sale deed.

3. The learned counsel for the petitioner submitted that the petitioner has constructed a house and thereafter approached the respondents to issue a sale deed in his favour. The petitioner was informed that the respondent office has no file with regard to the allotment in favour of original allottee and also that his vendor's name alone is found in the office records as an allottee. He further submitted that the petitioner has paid the entire arrears of the land cost and produced the sale deed in favour of his vendor to the second respondent, who informed by issuing a communication dated 13.08.2016, that the respondents are expecting Government Orders for executing the sale deed in favour of subsequent purchasers in respect of house sites allotted by the Slum Clearance Board. In this connection, he made a representation to the respondents but the same has not been considered.

4. The petitioner had purchased the property, without getting permission from the department of Tamil Nadu Slum Clearance Board but he states that he is a bonafide purchaser. However, the balance of cost of property had been collected from the petitioner. From the version of petitioner, he purchased the property without reference to any allotment made in favour of his vendor.

5. A counter has been filed by the respondents, wherein, it is stated that the Tamil Nadu Slum Clearance Board had implemented Slum improvement Programme under Madras Urban Development Project, and that under this Scheme, the poor people who encroached the unobjectionable Government lands and lived there without any basic amenities, were identified and an eligibility list was prepared by Special Tahsildar of Revenue Department and a layout was prepared to accommodate slum dwellers. As per the approved layout the plots were allotted to the families based on the eligibility list. After this exercise and after obtaining permission, the areas were developed with all basic amenities by TNSCB. A nominal land cost was fixed and collected from the slum dwellers on monthly instalment basis by entering into a lease-cum sale agreement.

6. Considering the facts and circumstances of the case, this Court directs the respondents to take appropriate decision within a period of twelve weeks from the date of receipt of a copy of this order and also to consider the representation if any submitted by the petitioner within the aforesaid period.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

tta

Copy to

1.The Chairman Cum Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai-4.

2.The Estate Officer,
Estate Office-5.
Tamil Nadu Slum Clearance Board,
T.P.Chathiram, Chennai-10.

+1cc to Mr.C.Prakasam, Advocate, S.R.No. 14340
+1cc to Mr.S.Prabhu, Advocate, S.R.No. 13828

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and

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SJ(CO)
GN(01/07/2021)

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