

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.33880 of 2013

K.Mathivanan
S/o.Krishnaraj

... Petitioner

Vs.

1.Tamil Nadu Slum Clearance Board,
rep. by its Managing Director,
No.5, Kamarajar Salai,
Triplicane, Chennai-600 005.

2.The Estate Officer,
Estate Office No.5,
Tamil Nadu Slum Clearance Board,
T.P.Chattiram, Chennai-600 010.

3.The Revenue Officer,
EE Division No.IV,
T.N.Slum Clearance Board,
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 respect of his Flat viz., MIG Flat in C3 (4/67), TNSCB (MIG) Flats, RV Nagar, Anna Nagar East, Chennai-102 measuring to an extent of 450 Sq.ft and undivided share of land, within the time fixed by this Court.

For Petitioner : Mr.K.Premkumar

For Respondents: Mr.R.Sivakumar

ORDER

This writ petition has been filed in the year 2013 for issuing a Writ of Mandamus, directing the respondents to execute the sale deed, in favour of the petitioner, in respect of the Flat.

2.From the typed set, it is noted that the first respondent has passed an order of allotment to the petitioner long back on 13.10.1998. It is stated by the petitioner that the total sale consideration has been fixed by the respondents and the same was paid by way of monthly installments and that the final payment of Rs. 71,100/- was also made on 26.08.2010. Even though the respondents sent a communication for further payment, the petitioner has specifically stated in his affidavit that the further payment was also paid on 27.09.2010. Thereafter, the petitioner made several representations to the first respondent, requesting the first respondent to execute the sale deed in favour of the petitioner. Despite several subsequent representations made to the first respondent, the first respondent has not responded properly.

3.The learned counsel for the respondents has submitted that though the petitioner is entitled to get the sale deed, he has not satisfied the terms and conditions of the allotment. The petitioner was found eligible to get the allotment in the year 1998. Even though the respondent has not executed a sale deed, it is to be seen that the respondents did not point out any violation of the terms and conditions of the allotment. It is also to be pointed out that the petitioner was asked to pay further amount. The learned counsel appearing for the respondents only says that the petitioner has to produce some documents to prove his identity and further submitted that the respondents have filed a counter affidavit indicating the other conditions. No counter affidavit is available. The learned counsel for the respondents has not pointed out any specific condition to enable the petitioner for getting the sale deed. He further states that there are standard conditions attached to the allotment. Where no specific violation is mentioned, execution of sale deed cannot be delayed.

4.This Court has gone through the terms and conditions, which are required to be satisfied by the petitioner for getting the sale deed. The identity is not disputed. The receipt of payment is admitted.

5.This Court is of the view that there is no valid reason to delay the execution of the sale deed in favour of the petitioner in respect of his Flat viz., MIG Flat in Ce(4/67), TNSCB (MIG) Flats, RV Nagar, Anna Nagar East, Chennai-102. If the petitioner is required to produce any receipt or document, he may be asked to do so and co-operate with the respondents for execution of sale deed. However, compliance of any other condition cannot be insisted for executing the sale deed in favour of the petitioner. The respondents have not given any intimation to the petitioner with regard to the compliance of

any condition. Hence, the writ petition is allowed and the respondents shall execute a sale deed within a period of four weeks from the date of receipt of copy of this order. No Costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

tta

Copy to

- 1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Triplicane, Chennai-600 005.
- 2.The Estate Officer,
Estate Office No.5,
Tamil Nadu Slum Clearance Board,
T.P.Chattiram, Chennai-600 010.
- 3.The Revenue Officer,
EE Division No.IV,
T.N.Slum Clearance Board,
Chennai.10.

+lcc to Mr.K.Premkumar, Advocate SR.No.550

W.P.No.33880 of 2013

GSM(CO)
GMY(09/07/2021)

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