



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. NO. 23751 OF 2018

AND

W.M.P NOS.27706 & 27707 OF 2018

N. Kotty

.. Petitioner

Versus

1. The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2. The Assistant Secretary (Plots),
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

3. P. Saroja

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 1st respondent dated 20.05.2005 in Sa.Mu.No.4853/E5/04 and the consequential sale deed dated 08.06.2007 registered as document number 2095 of 2007 on the file of the Sub Registrar, Anna Nagar, quash the same and direct the respondents 1 & 2 to provide for passage in plot number 43.

For Petitioner : Mr.V.K.Sakthivel

For R1 & R2 : Mr.S.Prabhu

For R3 : Mr.M.Arun
for M/s. M. Dhivya

ORDER

The relief sought in this writ petition is to quash the proceedings of the first respondent dated 20.05.2005 and consequential sale deed dated 08.06.2007 registered as



Doc.No.2095 of 2007 on the file of the Sub Registrar, Anna Nagar, and direct the respondents 1 & 2 to provide passage in plot no.43, to the petitioner's house.

2. According to the petitioner, he and his brother were allotted plot nos.40 and 41 and the eastern side of plot no.41 is the pathway to the petitioner's house. While so, the husband of the third respondent obstructed the said passage and attempted to put up construction therein, which was objected by the petitioner by filing petitions dated 23.01.2004 and 23.02.2004 to the respondents 1 and 2. Since no action was taken on the same, he filed a suit in O.S.No.1100 of 2004 on the file of the Ist Assistant City Civil Court, Chennai. At the time of trial, the petitioner came to know that the second respondent executed a sale deed dated 08.06.2007 in favour of the third respondent based on the allotment, after numbering the passage as plot no.43, which compelled him to file another suit in O.S.No.3286 of 2010 to declare the allotment order issued and the registration of the sale deed dated 08.06.2007 in favour of the third respondent as null and void. Both the suits were dismissed on 29.09.2016. Aggrieved by the same, the petitioner filed appeals in A.S.Nos.108 & 109 of 2017, which are pending before the VII Additional City Civil Court, Chennai. However, by way of abundant caution, he has come up with this writ petition for the aforesaid relief.

3. When the matter was taken up for consideration, the learned counsel appearing for the petitioner fairly submitted that it would suffice, if liberty is granted to the petitioner to work out his remedy before the Civil Court, where the appeal suits are pending.

4. Granting such liberty to the petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.



2. The Assistant Secretary (Plots),
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

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+1cc to Mr.MA.Sivakumaran, Advocate, S.R.No.52490
+1cc to Mr.S.Prabhu, Advocate, S.R.No.52835

WP No. 23751 of 2018

SSI (CO)
PM/28/10/2021