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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 19360 of 2021

Dhanalakshmi

.. Petitioner

Versus

1. The Chairman
Tamil Nadu Slum Clearance Board
No. 5, Kamarajar Salai
Chennai - 600 118
2. The Executive Engineer
Zone III, Tamil Nadu Slum Clearance Board
Sathyamoorthy Nagar
Vyasarpadi
Chennai - 600 039

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to execute the Sale Deed to and in favour of the petitioner and her son namely Mr. Murugesan in respect of the the property Viz., bearing Plot No. 43, Door No.154, measuring to an extent of 42.66 Sq.Mtrs., comprised in Survey No.100/3A (Part), situated at Om Shakthi Vinayagar Koil Street, Kodungaiyur, Chennai - 600 118 by considering the petitioner's representation dated 04.02.2021 within stipulated time to be fixed by this Hon'ble Court.

For Petitioner : Mr. L. Gavaskar

For Respondents : Mr. D. Latha

O R D E R

The present writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to execute the Sale Deed in favour of the petitioner and her son in respect of the



property bearing Plot No. 43, Door No.154, measuring to an extent of 42.66 Sq.Mtrs., comprised in Survey No.100/3A (Part), situated at Om Shakthi Vinayagar Koil Street, Kodungaiyur, Chennai - 600 118 by considering the petitioner's representation dated 04.02.2021 within a stipulated time to be fixed by this Court.

2. According to the petitioner, she is residing at Plot No. 43, Door No.154, measuring to an extent of 42.66 Sq.Mtrs., comprised in Survey No.100/3A (Part), situated at Om Shakthi Vinayagar Koil Street, Kodungaiyur, Chennai - 600 118, which was allotted by the first respondent in her favour. After remitting the sale consideration in full, she was issued with No Objection Certificate enabling her to put up a construction, avail loan and to get water and sewerage connection. However, the respondents have not executed the sale deed in favour of the petitioner. Therefore, on 04.02.2021, she made a representation to the first respondent to execute the sale deed in her favour and also in favour of her son. Finding no response on the same, the petitioner has filed this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that inspite of the petitioner paying the entire sale consideration, the respondents have not executed the sale deed in her favour and she also sent a representation dated 04.02.2021 to the respondents reiterating her request to execute the sale deed in her favour, but it was not acted upon. Therefore, the learned counsel prayed for appropriate direction to the respondents in this regard.

4. On the other hand, the learned counsel appearing for the respondents fairly submitted that the respondent authorities would consider the representation of the petitioner and pass orders, on merits, within a time frame to be stipulated by this court.

5. Having regard to the above facts and circumstances of the case and considering the submissions made by the learned counsel for both sides, this court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 04.02.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

1. The Chairman
Tamil Nadu Slum Clearance Board
No. 5, Kamarajar Salai
Chennai - 600 118
2. The Executive Engineer
Zone III, Tamil Nadu Slum Clearance Board
Sathyamoorthy Nagar
Vyasarpadi
Chennai - 600 039

+1cc to Mr.L.Gavaskar, Advocate, S.R.No.46246

+1cc to M/s.D.Latha*, Advocate, S.R.No.46730

WP No. 19360 of 2021

PCH (CO)
SU (27/10/2021)