



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.7177 OF 2016

1. Tmt.Kuppa Bai
2. Thiru.Venkatesan
3. Tmt.Lakshmi
4. Tmt.Kasthuri
5. Tmt.Vasanthi
6. Tmt.Amudha
7. Thiru.Saravanan
8. Thiru.Perumal

...Petitioners

Vs

1. The Assistant Secretary (Plots)
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.
2. The Sub-Registrar,
Kodambakkam,
Chennai.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 and 2 to forthwith admit and execute the Sale Deed in favour of the petitioners without insisting or incorporating the clause/condition No.4 which prohibits resale within 10 years.

For Petitioners: Mr.L.Chandrakumar

For Respondents: M/s.D.Latha
For Tamil Nadu Slum Clearance Board
[For R1]

Mr.V.Nanmaran
Government Advocate
[For R2]



O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents 1 and 2 to forthwith admit and execute the Sale Deed in favour of the petitioners without insisting or incorporating the clause/condition No.4 which prohibits resale within 10 years.

2. The petitioners are all collective allottees of the Slum Clearance Board land under the economically weaker section allotment scheme. As per G.O.No.255, Commercial Taxes Department dated 03.12.1999, the allotment came to be made and through which for the purpose of absolute ownership the petitioners were directed to pay the cost, which came to be complied with in its appropriate spirit. As per the scheme, the respondents Slum Clearance Board shall execute a sale deed in favour of the allottees. The value of the plot was fixed at Rs.4,195/- and the allocation of plot No.293, NSK Nagar Scheme came to be allotted. The sale deed was presented and the petitioner states that there is a clause in the sale deed that the petitioner shall not resale the property for a period of 10 years.

3. The petitioners are objecting the said clause on the ground that they have paid the cost of the plot as per the demand made by the first respondent and further, in respect of other similarly placed persons, no such clause was incorporated.

4. The learned counsel appearing on behalf of the first respondent disputed the said contentions by stating that in order to prevent abuse of the plot, which was given on the lower cost, such a condition was imposed. Further, they are stated in the counter affidavit that the petitioners contention is incorrect. Already there is a condition accepted and signed by the petitioners in the lease cum sale agreement in Sl.No.14 more clearly described in the above said agreement and as per the condition, board has the right to incorporate new condition, whenever needed in the interest of the large public interest.

5. The public interest involved for imposing such a condition is that the market value of the land has become very high and increased exorbitantly. When the market price grows up, then there is a possibility of abuse by these allottees and the allotment was intended only for the usage of poor landless people and the petitioner got allotment based on a scheme. Therefore, in order to prevent any such abuse and in the public interest, clause was incorporated by the Slum Clearance Board. Further, the petitioner had already signed the lease cum sale agreement and there is a specific clause for incorporation of condition in the interest of larger public interest.



6. The respondents have further stated that the plot area of 55 sq.ft metre or 592 sq.ft were given to the petitioner for the consideration of Rs.2,275/- with some additional miscellaneous charges. However, the guideline value of the plot is Rs.23,68,000/-. The market value of the property will be far more higher than the guideline value.

7. This being the factum established, the condition imposed by the first respondent is reasonable and in the interest of public at large. Accordingly, the petitioner has not established any ground for the purpose of considering the relief as such sought for. Thus, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant Secretary (Plots)
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai - 600 005.
2. The Sub-Registrar,
Kodambakkam, Chennai.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.47581
+1cc to M/s.D.Latha, Advocate, S.R.No.47479
+1cc to the Government Pleader, S.R.No.47835

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KG(CO)
PM/07/10/2021