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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24335 OF 2019

AND

W.M.P.NO.24090 OF 2019

K.P.Prakash

... Petitioner

.Vs.

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Principal Secretary to Government/Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
3. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
4. The Secretary Cum Works Manager,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
5. The Administrative Engineer,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.
6. The Estate Officer,
Estate Office No-3,
Tamil Nadu Slum Clearance Board,
Thirumangalam,
Chennai - 600 040.

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd Respondent herein to execute the sale deed vide plot bearing No.189 (New Plot No.62), situated at Mahakavi Bharathi Nagar, Ambattur, Chennai-600053, measuring an extent of 65.55 square meters in favour of the petitioner herein within a stipulated time fixed by this Hon'ble Court.

For petitioner : Mr.N.Elumalai

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader
For R1

M/s.D.Latha,
Central Government Standing Counsel
For R2 to R6

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus directing the 2nd Respondent herein to execute the sale deed vide plot bearing No.189 (New Plot No.62), situated at Mahakavi Bharathi Nagar, Ambattur, Chennai - 600 053, measuring an extent of 65.55 square meters in favour of the petitioner herein within a stipulated time fixed by this Hon'ble Court.

2. The case of the petitioner is that he was allotted the property bearing plot No.189 (New Plot No.62) by the 3rd Respondent vide proceedings dated 15.05.1995 and after payment of advance amount, the allotment order in favour of the petitioner was issued by the 1st Respondent based on which the petitioner had paid the entire sale consideration to the 6th Respondent. The petitioner is in possession of the aforesaid property from the date of allotment and had also constructed a new house in the said property. Such being the case, as per the terms and conditions of the allotment order, no steps were taken by the Respondents 3 & 4 to execute the sale deed in favour of the petitioner.

3. Further, the petitioner made a representation dated 17.06.2019 for which the 6th Respondent vide communication dated 10.07.2019 directed the petitioner to produce the original documents and the same was complied with by the petitioner. Thereafter, having perused the relevant records, the 6th Respondent had sent a communication dated 23.07.2019 stating



that in the allotment order, the allotment was made in anticipation of Board resolution and the orders of the Government to be passed and that the action will be taken on the petitioner's representation only after the relevant orders are passed. Aggrieved by the same, the petitioner has filed the present Writ Petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd Respondent to execute a sale deed with regard to the subject property in favour of the petitioner within a particular time frame fixed by this Court.

5. On the above contention, this Court heard the learned counsel on the either side and perused the materials available on record.

6. A perusal of the records reveal that the allotment was made decades back, but sale deed is yet to be executed. The only ground taken by the respondents is that they are awaiting the Board resolution and issuance of Government orders. The petitioner cannot be made to wait till eternity to have the sale deed executed for certain acts which have not been performed by the Board or the Government. In such Circumstances, this Court without going into the merits of the issue, directs the respondents to take appropriate action in accordance with law for execution of sale deed in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediments.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.



2. The Principal Secretary to Government/Chairman,
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6. The Estate Officer,
Estate Office No-3,
Tamil Nadu Slum Clearance Board,
Thirumangalam,
Chennai - 600 040.

+1cc to M/s.D.Latha, Advocate, S.R.No.63367
+1cc to the Government Pleader, S.R.No.63771

W.P.NO.24335 OF 2019 AND
W.M.P.NO.24090 OF 2019

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PBS/03/01/2022