



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.7865 of 2013
and M.P.No.1 of 2013

Delector Richard

... Petitioner

-Vs-

The Chairman,
Tamil Nadu Slums Clearance Board,
5, Kamarajar Salai,
Chennai - 600 005.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to execute a sale deed in favour of the petitioner in respect of Plot No.324, situated at Thillaiyadi Valliammai Nagar, Chennai - 600 040 ad measuring an extent of 0.84.0 square metres based on the allotment order in Na.Ka.No.2165/96/E3 dated 26.02.1996.

For Petitioner : Mr.Dorai Kannan
For Mr.A.V.Bharathi

For Respondent : Mr.S.Prabhu
Standing Counsel

ORDER

The Writ Petition has been filed to direct the respondent to execute a sale deed in favour of the petitioner in respect of Plot No.324, situated at Thillaiyadi Valliammai Nagar, Chennai - 600 040 ad measuring an extent of 0.84.0 square metres based on the allotment order in Na.Ka.No.2165/96/E3 dated 26.02.1996.

2. The case of the petitioner is that in the year 1993, the Government of Tamil Nadu issued a Government Order in G.O.No.804 dated 23.09.1993 for allotting house sites in the Thillaiyadi Valliammai Nagar for the slum dwellers. The petitioner also applied for allotment of house site and he was



allotted plot No.324 by fixing a sum of Rs.2,500/- towards damage charges and also fixing initial payment at Rs.630/-. The respondent also issued allotment order dated 26.02.1996 by fixing the area to an extent of 0.84.0 square meters at the value of Rs.6,300/-. Accordingly, the petitioner paid entire amount of Rs.8,861/- to the respondent and also handed over possession of the subject plot by the respondent. When the petitioner started to put up construction, there was obstruction from the local rowdy elements as such, the petitioner lodged complaint and also filed suit in O.S.No.12464 of 1996 as against the respondent on the file of the City Civil Court, Chennai. It was decreed in favour of the petitioner. However, even till today, the respondent did not execute any sale deed in favour of the petitioner. Hence, the present Writ Petition.

3.On perusal of the counter filed by the respondent revealed that the plot No.324 was originally allotted to the petitioner by the respondent by an order dated 26.02.1996. The petitioner has paid the entire consideration amount to the respondent. In the said scheme, Plot Nos.322 to 327 was allocated for the purpose of public park and hence the petitioner's allotment was cancelled by the respondent by the proceeding dated 28.05.1996. Further the respondent conducted a site inspection and found that the petitioner is not residing in plot No.324 and the subject property is situated at the north and adjacent to N.V.N. Nagar Scheme. At present, 576 tenements of N.V.N.Nagar scheme were in dilapidated condition and the Tamil Nadu Slum Clearance Board is now re-constructing new tenements by demolishing the old one and area of this colony is marked and bounded with metal fencing. The plot which were allotted to the petitioner is situated within the metal fencing and the ration shop along with three shops for the utility of the public purpose is being constructed therein. Therefore, no sale deed can be executed in favour of the petitioner.

4.Heard Mr.Doraikannan, learned counsel appearing for the petitioner and Mr.S.Prabhu, learned Standing Counsel appearing for the respondent.

5.As a special case, this Court directed the respondent to consider the request of the petitioner and to verify the possibility of alternative site in favour of the petitioner. On verification, the respondent submitted that an alternative site is available at Kesavapillai Park, Pulliuyanthe, and it can be



allotted on payment of Beneficiary Contribution amount of Rs.5,68,000/- as additional cost to the amount which were already paid by the petitioner.

6.The learned counsel appearing for the petitioner is also agreed for the said proposed allotment. However, he submits that the amount which already paid by the petitioner may be deducted in the Beneficiary Contribution amount along with interest.

7.Considering the above, the respondent is directed to allot alternative tenement to the petitioner in respect of the plot situated at Kesavapillai Park, Pulliuyanthe, Chennai, on payment of Rs.5,68,000/- as Beneficiary Contribution amount. It is made clear that the amount which was already made by the petitioner viz., a sum of Rs.8,861/- along with interest at the rate of 6% per annum, shall be deducted in the total amount and on such payment, the respondent is directed to execute the sale deed for the proposed allotment in favour of the petitioner.

8.With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rts
To

1.The Judge,
City Civil Court,
Chennai.

2.The Chairman,
Tamil Nadu Slums Clearance Board,
5, Kamarajar Salai,
Chennai - 600 005.

+2cc to M/s.A.V.Bharathi, Advocate Sr.5308
+1cc to Mr.S.Prabhu, Advocate Sr.5383

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bs[co]
srg 22/02/2022