



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.40882 OF 2015

K.Mallika

... Petitioner

.Vs.

1. The Chairman
The Tamil Nadu Slum Clearance Board,
Estate Officer-2,
Aringaranna Planplattinam 2 Jubilee Building,
Kamarajar Salai,
Chennai - 600 005.

2. Smt.Padmavathy

3. Nr.Srinivasan

4. Smt.Lalitha

5. Usha Rani

6. Smt.Shanthi

7. Smt.Kalyani

8. Smt.Geetha

... Respondents

PRAYER:- Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus , directing the 1st respondent to allot and execute a sale deed in favour of petitioner herein in respect of the property situated at Plot No.108 in Sivalingapuram, K.K.Nagar by considering the petitioner receipts dated 17.04.1996 and representations dated 05.12.2011 and 18.04.2015.

For Petitioner : No appearance

For Respondents : Mrs.D.Latha [R1]

Mr.B.Sundara Pandiyan
[R2 to R8]



O R D E R

The relief sought for in the present writ petition is to direct the 1st respondent to allot and execute a sale deed in favour of the petitioner in respect of the properties situated at Plot No.108 in Sivalingapuram, K.K.Nagar by considering the petitioner receipts dated 17.04.1996 and representations dated 05.12.2011 and 18.04.2015.

2. The petitioner states that the subject property at Plot no.108 measuring 99 Sq.ft. was originally allotted to one Mr.K.Narayanrao son of Mr. Kamalaji Rao by the 1st respondent in proceedings dated 17.04.1984. The said Mr.K.Narayanrao originally allotted/sold the property in favour of the writ petitioner by way of a unregistered sale deed. Thereafter, the petitioner is in occupation of the premises.

3. The petitioner states that in view of the said sale she is entitled to get sale deed. She further states that the suit filed by the respondents 2 to 8, the legal heirs of Mr.K.Narayanarao, in O.S.No.6916 of 2005, before the City Civil Court, Chennai was also dismissed on 04.08.2011. The very same respondents 2 to 8 challenged the cancellation of allotment in W.P.No.29739 of 2011 and the said writ petition was also dismissed by the High Court. Thus, the writ petitioner claims that she is in lawful occupation and therefore, the direction is to be issued to execute sale deed.

4. The Tamil Nadu Slum Clearance Board filed a counter by stating that a demand notice was sent to the petitioner to make arrangement to issue re-allotment of order as per G.O.Ms.804 dated 23.09.1993. However, the petitioner failed to pay the amount within the prescribed period. The payment was subsequently accepted and reply was issued in proceeding dated 24.11.2015. The respondent in the said application has stated that the unauthorized occupation of the petitioner on the said plot without due permission from the Board has to be regularized. The allotment order to the encroachment or unauthorised occupants leaving in the plot without due permission was deferred as the value of the plot was to be reassessed and finalized before issuing the allotment order, for which the guidelines from the Government was expected. Therefore, the allotment order could be made once the guidelines is received from the Government. The said information was provided to the petitioner in the letter dated 24.11.2015.

5. This being the factum established, the petitioner has to approach the Tamil Nadu Slum Clearance Board for getting information regarding the Government orders, if any, passed and



for redressal of his greivance. With this liberty, the writ
petiton stands disposed of. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

shr/ska

To

The Chairman,
The Tamil Nadu Slum Clearance Board,
Estate Officer-2,
Aringaranna Planplattinam 2 Jubilee Building,
Kamarajar Salai,
Chennai - 600 005.

+lcc to Mrs.D.Latha, Advocate, S.R.No.4484
+lcc to Mr.T.S.Baskaran, Advocate, S.R.No.4544

W.P.No.40882 of 2015

GPL(CO)
PBS/08/02/2022