



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.23623 OF 2018

AND

W.M.P.NO.27561 OF 2018

S.Ramesh

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

2.The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

3.Mrs.Saroja,

4.S.Ravi,

5.S.Meera

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records related to the sale deed dated 02.08.2017 executed by the respondents 1 and 2 in favour of 3rd respondent, subsequent communication dated 07.11.2017 given by the 1st respondent to the petitioner in Na.Ka.Enn.E7/12559/2016, quash the same and further direct the respondents 1 and 2 to execute a sale deed jointly in the name of petitioner and 3rd respondent to the properties situated in Old Door No.17C, New Door No.27, Plot No.84, Throwpathy Amman Koil 1st Street, Lakshmipuram, Velacherry, Chennai-42.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.R.Sivakumar,
Standing Counsel for R1 & R2

Mr.A.Muruganandam for R3 to R5



O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the sale deed executed by the 1st and 2nd respondents Slum Clearance Board in favour of 3rd respondent.

2. Brief facts leading to the filing of this Writ Petition is as follows:-

Originally, the 1st and 2nd respondents Slum Clearance Board has allotted a land in Plot No.84, Door No.17C/27, Draupathi Amman Koil Street, 1st Street, Velacherry, Chennai, in favour of one S.Subramanian, husband of 3rd respondent, and father of respondents 4 and 5 and the said Subramanian died on 28.05.2009 leaving his wife, sons and daughters. During his life time, he said to have executed a sale deed in respect of the above said property in favour of 3rd respondent, his wife. It is stated that, after the death of Subramanian, the 3rd respondent has filed a petition seeking for letter of administration, in O.P.No.725 of 2012, and this Court by an order dated 07.04.2016 has granted letter of administration in her favour. Even thereafter, the respondents 1 and 2 Board did not execute the sale deed in favour of 3rd respondent. Hence, she has approached this Court by way of a Writ Petition in W.P.No. 38116 of 2016, seeking a direction to execute a sale deed. This Court by an order dated 24.02.2017 had allowed the Writ Petition, thereby directing the respondents 1 and 2 to execute the sale deed in favour of 3rd respondent in view of the order passed in O.P.No.725 of 2012, dated 07.04.2016. In pursuant to the order passed by this court, the respondents 1 and 2 had executed the sale deed and now, that sale deed is under challenge before this Court.

3. Mr. R.Ramesh, learned counsel appearing for petitioner would submit that, the petitioner is one of sons of Subramanian and he is also entitled to the share in the property. But, without any notice to him, the sale deed was executed in favour of 3rd respondent. Hence, the execution of sale deed is necessarily liable to be set aside.

4. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

5. The contention of the petitioner cannot be countenanced for the reason that, originally, allotment was granted in favour of late Subramanian and during his life time, he has executed a Will in favour of 3rd respondent, his wife. Subsequently, based on the Will, a letter of administration was also granted in favour of 3rd respondent and based on the letter of administration, this Court directed the 1st and 2nd respondents



Slum Clearance Board to execute the sale deed in her favour. Pursuant to that order, the Board has also executed the Sale deed in favour of 3rd respondent. I find no illegality in it. The petitioner being, son of Subramanian, he cannot claim any right in the property in view of the Will and the subsequent letter of administration granted by this Court and he is not entitled to challenge the same. Hence, this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

rpp

To

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

2.The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai-5.

+1cc to Mr.Ramesh, Advocate Sr.No.11899

+1cc to Mr.Sivakumar, Advocate Sr.No.12157

W.P.No.23623 of 2018

MG(CO)
RVM(17/03/2022)