

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

WP.No.17245/2019

N.Radhabhai

...Petitioner

Vs

1. The Managing Director
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Ayothiya Nagar
Triplicane, Chennai 600 005.
2. The Secretary
Tamil Nadu Slum Clearance Board
Kamarajar Salai, Ayothiya Nagar
Triplicane, Chennai 600 005.
3. The Executive Engineer Division III
Tamil Nadu Slum Clearance Board
Vyasarpadi [Near Pillar]
Chennai 600 039.
4. The Estate Officer-V
Tamil Nadu Slum Clearance Board
T.P.Chatram, Chennai 600 010.
5. The District Collector
O/o.The District Collector
Collectorate Building,
Rajaji Salai, Chennai District 600 001.
6. The Commissioner
Land Administration Department
Tamil Nadu Land Administration
Ezhilagam, Chepauk, Chennai 600 005.

...Respondents

***R5 impleaded vide order dated 16.07.2019
in WMP.No.17655/2019.

***R6 impleaded as per order dated 21.11.2019
made in WMP.No.32703/2019 in WP.No.17245/2019

Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the

respondents to execute the Sale Deed for Plot No.77, Door No.13/14, 7th Street, Ayanpuram, K.K.Nagar, Chennai-600023, in favour of petitioner as per the Lease Cum Sale Agreement dated 04.07.1991 and as per the Allotment Order dated 01.04.1992 issued by the 4th respondent under the World Bank Scheme and as detailed in the petitioner's representation dated 20.12.2018.

For Petitioner : R.Gunaalan

For RR 1 to 4 : Mr.M.Gouthaman
Standing counsel

For R5&6 : Mrs.V.Yamuna Devi
Spl.Govt. Pleader

ORDER

- (1) Heard Mr.R.Gunaalan, learned counsel for the petitioner ; Mr.M.Gouthaman, learned Standing counsel for respondents 1 to 4 and Mrs.V.Yamuna Devi, learned Special Government Pleader for respondents 5 and 6.
- (2) The petitioner seeks a writ of mandamus directing the then Tamil Nadu Slum Clearance Board, now renamed as the Tamil Nadu Urban Habitat Development Board to execute a Sale Deed in respect of Plot NO.77, Door NO.13/14, 7th Street, Ayanpuram, K.K.Nagar, Chennai, in favour of the petitioner as per the Lease-cum-Sale Agreement dated 04.07.1991 and the Allotment Order dated 01.04.1992 under the World Bank Scheme.
- (3) One Tmt.Manimegalai, daughter of Mr.Muthu, Secretary of the Tamil Nadu Slum Clearance Board, had filed a counter affidavit on 03.10.2019, stating that the delay in execution of the Sale Deed is due to the pendency of the proceedings relating to transfer of the land to the Board by the Revenue Department. Taking note of the said averment, this Court had impleaded the Commissioner, Land Administration and the District Collector, Chennai.
- (4) By an order dated 10.11.2010, the District Collector, Chennai, was directed to file a Status Report. The District Collector, Chennai has filed a Status Report disclosing that the rival claims over the said land have been rejected by the Settlement Officer by his order dated 20.11.2020 and the land has been classified as Government Poramboke land in the records of the Revenue Department. All that remains to be done is for the District Collector, Chennai to send the proposal for transfer to the Commissioner, Land Administration.

- (5) Mr.Manavalan, Tahsildar attached to the District Collector Office, is present today in person. He would submit that the Commissioner, Land Administration, has sought for further particulars which will also be forwarded in the very near future.
- (6) From the above it is clear that things are moving in the right direction and the land would be transferred to the Board in the very near future. It is on record that the petitioner has paid the entire sale consideration and a No Objection Certificate for execution of Sale Deed has been issued by the Board on 08.04.1994 itself.
- (7) As the Board has indicated that it would execute the Sale Deed upon transfer of land to it, I do not think a mandamus as prayed for, need to be issued.
- (8) There will be a direction to the District Collector, Chennai and the Commissioner, Land Administration, Chepauk, Chennai, to follow up the transfer proceedings and complete the same at the earliest, at any rate, within a period of six months from today. Upon transfer of the land, the Tamil Nadu Urban Habitat Development Board [the then Tamil Nadu Slum Clearance Board] would execute the Sale Deed in favour of the petitioner.
- (9) The writ petition stands disposed of with the above observations and directions. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Managing Director
Tamil Nadu Slum Clearance Board/Tamil Nadu Urban
Habitat Development Board
Kamarajar Salai, Ayothiya Nagar
Triplicane, Chennai 600 005.

2. The Secretary
Tamil Nadu Slum Clearance Board/Tamil Nadu Urban
Habitat Development Board
Kamarajar Salai, Ayothiya Nagar
Triplicane, Chennai 600 005.
3. The Executive Engineer Division III
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Land Administration Department
Tamil Nadu Land Administration
Ezhilagam, Chepauk, Chennai 600 005.

+1cc to Mr.R.Gunaalan, Advocate, S.R.No.41127

+1cc to Mr.M.Gowthaman, Advocate, S.R.No.41464

+1cc to the State Government Pleader, S.R.No.42013

WP.No.17245/2019

CA(CO)
RGA(20/07/2022)