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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.20414 OF 2014

AND

W.M.P.NO.1 OF 2014

N.Vanaja

... Petitioner

.Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance board,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Estate Officer,
Estate Officer No.8,
Tamil Nadu Slum Clearance Board,
Sivalingapuram,
Chennai - 600 078.
3. The Assistant Revenue Officer,
Zone - X,
Revenue Department,
Corporation of Chennai.
4. The Executive Engineer,
Tamil Nadu Electricity Board,
Ashok Nagar,
Chennai - 600 083.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other writ or Order in the nature of directing the Respondents 1 & 2 to execute sale deed in respect of Plot No.7 & 7A, Kanniyappa Nagar, Now at present Door No.15/8, P.T. Rajan Salai, Ashok Nagar, Chennai-600 083, measuring to an extent of 1000.5 Sq.ft. as per 1st Respondent proceedings Na.Ka.No.8144/96/E4 dated 28.03.1996.



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For Petitioner : Mr.M.Vivekanandan

For Respondents : Mr.G.Venkatesan
For R1 & R2

M/s.Vaitheeswari
For R3

Mr.L.Jaivenkatesan
For R4

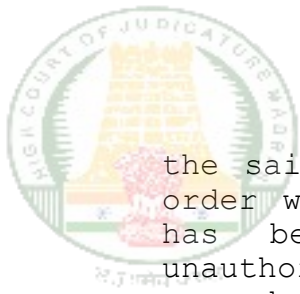
O R D E R

The present petition has been filed seeking a direction to the Respondents 1 & 2 to execute the sale deed in respect of the subject property in the light of the proceedings dated 28.03.1996 of the 1st Respondent.

2. It is the case of the petitioner is that her deceased husband was allotted the house plot by the 1st Respondent vide proceedings dated 28.03.1996 as per G.O.No.804, Housing and Urban Development Department dated 23.09.1993. Based on the said allotment, the petitioner had paid all the necessary charges towards the plot allotted. However, even after making entire payment of charges, the sale deed in respect of the said plot has not been executed by the Respondents 1 & 2. Due to failure on the part of the respondents 1 & 2 in execution of the sale deed and issuance of 'No Objection Certificate', the petitioner could not transfer the tax assessment and the water sewerage connection in her name. Though the petitioner approached the respondents 1 & 2, with regard to the same, no steps were taken by the respondents 1 & 2. Hence, the petitioner has come up with this Writ Petition.

3. Learned counsel for the petitioner submits that the grievance of the petitioner is that, though the petitioner had made entire payment of charges towards the said plot, pursuant to the proceedings of the 1st Respondent, however, the sale deed in respect of the same has not been executed. Hence, this Court may issue a direction to the respondents 1 & 2 to execute a sale deed in respect of the subject plot within the time that may be stipulated by this Court.

4. Learned Counsel appearing on behalf of the Respondents 1 & 2 has filed the Counter affidavit stating that as per the G.O.Ms No.804, Housing and Urban Development Department, dated 23.09.1993 the petitioner's husband namely C.V.Gopalan's request was considered and he was requested to pay the charges towards the damages caused and no allotment order was issued. However,



the said G.O was not implemented by the Board and no allotment order was issued to said C.V.Gopalan. In fact, a new proposal has been sent to the Government for regularizing the unauthorized occupants in the MDUP Schemes and the G.O with regard to the same is yet to be issued and as and when G.O is issued, the petitioner's representation will be considered.

5. In view of the counter affidavit filed on behalf of the Government side, the averments of the petitioner being denied by the Respondents that no allotment order was issued to the petitioner based on the said G.O and the G.O is yet to be issued by the Government pursuant to a new proposal that has been made for regularization of Unauthorized occupants, this Court, directs the Respondents 1 & 2 to consider the representation made by the petitioner and pass appropriate orders on the same, in accordance with law, within a period of twelve weeks from the date of issuance of the G.O.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Managing Director,
Tamil Nadu Slum Clearance board,
No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Estate Officer,
Estate Officer No.8,
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Revenue Department,
Corporation of Chennai.



4. The Executive Engineer,
Tamil Nadu Electricity Board,
Ashok Nagar,
Chennai - 600 083.

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- +1cc to Mr.G.Venkatesan, Advocate, S.R.No.32997
- +1cc to Mr.M.Vivekanandan, Advocate, S.R.No.32719
- +1cc to the Government Pleader, S.R.No.33117

W.P.NO.20414 OF 2014

KV(CO)
PBS/07/07/2022