



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.8772 of 2014

1.G.Ganga
2.G.Siva
3.G.Karpagam

... Petitioners

Vs

1. The Managing Director,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai

2. The Estate Officer IV,
Tamilnadu Slum Clearance Board,
Teynampet,
Chennai

... Respondents

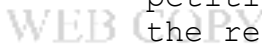
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to execute a sale deed in favour of the first petitioner herein in respect of the property measuring an extent of 18 sq.mt. comprised in Town Village No.4633/2 & 3 of T.Nagar, Chennai, by virtue of allotment order dated 08.05.1984 made in Se.Mu.No.510/A5/84 by the first respondent herein, by disposing the representation dated 27.11.2013 made by the first petitioner herein to the respondents.

For Petitioners : Mr.P.D.Selvaraj

For Respondents : Mr.R.Sivakumar,
Standing Counsel

ORDER

This writ petition is filed for direction directing the respondents herein to execute a sale deed in favour of the first petitioner herein in respect of the property measuring an extent of 18 sq.mt. comprised in Town Village No.4633/2 & 3 of T.Nagar, Chennai, by virtue of allotment order dated 08.05.1984 made in Se.Mu.No.510/A5/84 by the first respondent herein, by disposing



2. Heard, Mr.P.D.Selvaraj, the learned counsel for the petitioners, and Mr.R.Sivakumar, Standing Counsel appearing for the respondents.

4. By virtue of the allotment order dated 08.05.1984 made in Se.Mu.No.510/A5/84, the first petitioner's husband paid the monthly instalment of Rs.7/- regularly to the first respondent. There is no arrear and outstanding in this regard. However, the second respondent issued No Objection Certificate for permitting to get a drainage connection and also to get electricity connection in respect of the subject property. Accordingly, the first petitioner's husband was provided with electricity service connection and drainage facilities to the subject property. However, on 21.10.2004, he died leaving behind the petitioners as his legal heirs. By virtue of succession, they inherited the said property and they are in joint possession and enjoyment of the same. After demise of the original allottee, the petitioners being the legal heirs have applied for transfer of allotment in first petitioner's name along with No Objection Certificate from the petitioners 2 and 3 herein. Considering the request made by the first petitioner, the first respondent by order dated 18.08.2006 has allotted the subject property in favour of the first petitioner herein. Thereafter the first petitioner approached the respondents to execute sale deed in her favour on the basis of the allotment order. However, the respondents did not execute any sale deed in favour of the first petitioner as per the subsequent allotment dated 18.08.2006.

<https://hcservices.ecourts.gov.in/hcservices/>



was transferred in the name of the first petitioner vide Board's proceedings No.7296/2006 dated 18.08.2006. On the representation received from the first petitioner, the respondents inspected the subject land and found that one, C.Moorthy is residing and on enquiry he produced some documents executed by the husband of the first petitioner herein dated 19.02.2004 i.e. General Power of Attorney. As per the rules, it is a legal barrier for execution of sale deed in favour of the first petitioner.

6. Admittedly, the first petitioner's husband was allotted the subject property by order dated 08.05.1984 vide proceedings Se.Mu.No.510/A5/84 by the first respondent herein. He also paid the entire sale consideration and it is also evident from the No Objection Certificate issued by the second respondent for providing electricity service connection and also drainage facility to the subject property. Accordingly, the first petitioner's husband was provided with electricity service connection and drainage facilities to the subject property. Before his demise, no sale deed was executed and as such whatever the documents produced by the third party i.e. Moorthy cannot be taken into account for execution of sale deed by the respondents. The petitioners are in possession and enjoyment of the subject property and they have repeatedly made representations for execution of sale deed in their favour. Since the second respondent has issued No Objection Certificate for applying for transfer of allotment, the first petitioner was allotted the subject land by the first respondent by order dated 18.08.2006.

7. In view of the above, the respondents are directed to execute sale deed in favour of the first petitioner as per the allotment order dated 18.08.2006 within a period of four weeks from the date of receipt of copy of this order.

8. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai

2. The Estate Officer IV,
Tamilnadu Slum Clearance Board,
Teynampet,
Chennai

+3cc to Mr.P.D.Selvaraj, Advocate, S.R.No.5045

+1cc to Mr.R.Sivakumar, Advocate, S.R.No.5398

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SVI (CO)
CT 09/02/2022