



W.P.No.21272 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**

W.P.No.21272 of 2014

Kamalam

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai – 600 005.

2.The secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

3.The Estate Officer,
Tamil Nadu Slum Clearance Board,
No.1, Ibrahim Street,
Chennai – 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent herein to forthwith execute a Sale Deed in the name of the petitioner herein in respect of the petitioner's house plot situated at Plot No.168, Door No.206, Om Sakthi Vinayagar Koil Street, Chinnandi Madam,



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Kodungaiyur, Chennai – 600 118, comprised in Re-Survey No.99 (part) of Kodungaiyur Village, measuring to an extent of 61.07 square meter in pursuance of the petitioner's Allotment Order Order in Se.Mu.No.909/96/Ni.Po/I A5/, dated 26.07.1996 on considering the petitioner's representation dated 14.05.2014.

For Petitioner : Mr.B.Ganeesha Moorthy

For Respondents : Mr.G.Sivakumar
Standing Counsel for Tamilnadu Slum
Clearance Board

ORDER

This Writ Petition has been filed to direct the 1st respondent herein to forthwith execute a Sale Deed in the name of the petitioner herein in respect of the petitioner's house plot situated at Plot No.168, Door No.206, Om Sakthi Vinayagar Koil Street, Chinnandi Madam, Kodungaiyur, Chennai – 600 118, comprised in Re-Survey No.99 (part) of Kodungaiyur Village, measuring to an extent of 61.07 square meter in pursuance of the petitioner's Allotment Order Order in Se.Mu.No.909/96/Ni.Po/I A5/, dated 26.07.1996 on considering the petitioner's representation dated 14.05.2014.



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2. The case of the petitioner is that inspite of payment of the entire amount towards sale consideration, the respondents have not executed the sale deed in favour of the petitioner. Hence, this Writ Petition to consider her representation for executing the sale deed in favour of the petitioner,

3. The respondents have filed counter stating that the suit property in Plot No.167, Om Shakthi Vinayagar Koil Street, Kodungaiyur was allotted to the petitioner vide Board's Proc.No.906/96/A1 dated 01.07.1996. The petitioner has paid full amount for the plot and got all NOCS from TNSCB vide Board's Proc.No.231/98/EO1 dated 08.03.1998. The petitioner has constructed a house in the suit property. But the petitioner is not residing in the suit property. The petitioner has rented the house and is residing in the address mentioned in the case.

4. The learned counsel for the respondents has further submitted that Om Shakthi Vinayagar Koil Street scheme, has not been transferred to the respondents/Tamil Nadu Slum Clearance Board and that the land



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belongs to Revenue Department and currently classified under Sarkar Poramboke (ஏரி வழிப்பாட்டை). It is further submitted by the learned counsel for the respondents that only after the land is transferred to Tamil Nadu Slum Clearance Board, a Sale Deed can be executed in favour of the allottees of Om Shakthi Vinayagar Koil Street Scheme and as and when the land is transferred, appropriate sale deed will be executed in favour of the petitioner.

5. Considering the over all facts and circumstances of the case and considering the fact that the writ petition is of the year 2014, the respondents are directed to allot the land and execute the sale deed in favour of the petitioner or her nominees, preferably, within a period of nine months from the date of receipt of a copy of this order. In case, there is any difficulty in getting the land in Om Shakthi Vinayagar Koil Street Scheme transferred, the respondents may consider allotting the land in an alternate site. This exercise shall be completed by the respondents, within a period of twelve months from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. No costs.

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Index : Yes/No
Speaking/Non-Speaking Order

vrc

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N.SATHISH KUMAR, J.

VTC

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