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W.P.No.21358 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.21358 of 2014

P.Sundarajan

... 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.167, Door No.206, Om Sakthi Vinayagar Koil Street, Chinnandi Madam, Kodungaiyur, Chennai – 600 118, comprised in Re-Survey No.99 (part)



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of Kodungaiyur Village, measuring to an extent of 91.25 square meter in pursuance of the petitioner's Allotment Order Order in Se.Mu.No.909/96/A5/Ni.Po/I, dated 26.07.1996 on considering the petitioner's representation dated 14.05.2014.

For Petitioner : No Appearance

For Respondents : Mr.G.Sivakumar

ORDER

There is no representation on behalf of the petitioner.

2.This case is taken up for hearing as the petitioner is aged about 64 years who appears to have paid the entire amount towards sale consideration for transferring the land in his favour by the respondents.

3.The second respondent has now however filed the counter affidavit wherein, it has been stated that the suit property in Plot No.167, Om Shakthi Vinayagar Koil Street, Kodungaiyur was allotted to the petitioner Thiru.P.Sundararaj, S/o.Posalan Meiyar 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



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Proc.No.232/98/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.Today, this case is listed under the caption for passing orders and to ascertain the current status. When the case was taken up for hearing, the learned counsel for the respondents has drawn attention to the counter affidavit, wherein, it has been stated that Om Shakthi Vinayagar Koil Street scheme, has not been transferred to the respondents/Tamil Nadu Slum Clearance Board and that the land belongs to Revenue Department and currently classified under Sarkar Poramboke (ஏரி வழிப்பாட்டை) .

5.It is submitted 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.

6.The learned counsel for the respondents has also filed a copy of



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the minutes of the 6th Empowered Committee meeting held on 12.01.2021 under the Chairmanship of the Chief Secretary to Government regarding the Alienation of Land for MUDP & TNUDP Unobjectionable & Objectionable Schemes. A reference is made to paragraph 6, wherein it has been stated that committee has decided that for the Water Course Pormaboake with the classification of Thangal, Odai, River, Kalvai and Eri, an inspection should be done by a team consisting of the officials respondents namely:

- (i) Public Works Department;
- (ii) Revenue Departments (Chennai Collector/DRO to provide officials) and
- (iii) Tamil Nadu Slum Clearance Board.

7.He further submits that as and when the land is transferred the appropriate sale deed will be executed in favour of the petitioner. It is not clear whether on the date the petitioner is interested in the relief sought for in the present writ petition. It is also not clear whether the petitioner is alive on the date of this order. It is also not clear whether there are any other persons who may be interested in pursuing with the remedy.



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8.Considering the over all facts and circumstances of the case and considering the fact that the writ petition is of the year 2014, I am inclined to dispose this writ petition by directing the respondents to allot the land to execute the sale deed in favour of the petitioner or his nominees, preferably, within a period of nine months from the date of receipt of a copy of this order, if the land has been transferred to the respondents/Slum Clearance Board. 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.

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



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Index : Yes/No
Speaking/Non-Speaking Order
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To

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C.SARAVANAN, J.



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