



W.P.No.26035 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:
THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26035 of 2019
and
W.M.P.No.25431 of 2019

Mohanaselvi

...Petitioner

VS.

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai - 600 005.
2. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai - 600 005.
3. The Estate Officer-VIII,
Tamil Nadu Slum Clearance Board,
Sivalingapuram, K.K.Nagar,
Chennai - 600 078.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue sale deed in respect of Plot No.551, M.G.R.Nagar Scheme in favour of the petitioner in terms of the allotment order of the 1st Respondnt dated nil.08.84 and made in no.18822/83/A4/A.Aa/Vu.Va.Thi(I/II/III).



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WEB COPY For Petitioner : Mr.G.Ravisankar

For Respondents : Mrs.D.Latha
Standing Counsel for Slum Clearance Board

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 13.08.2019 and to issue sale deed in favour of the petitioner in terms of the allotment order of the 1st Respondent in proceeding No.18822/83/A4/A.Aa/Vu.Va.Thi(I/II/III).

2. The case of the petitioner is that she was found eligible for allotment of plot 551 in MGR Nagar Scheme and the respondent board after considering the eligibility of the petitioner, allotted the above said plot in her favour. Thereafter, pursuant to the allotment condition, the petitioner paid a land cost of Rs.3782/- towards the final cost on 01.08.2017 and also paid the penalty charges of Rs.14,826/- towards the penal interest levied by the respondent board and the same was acknowledged by the respondent board by way of issuing receipt dated 01.08.2017 and the petitioner paid the



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entire cost payable to the respondent board with interest and the respondent board has also issued No Objection Certificate (in short NOC) to the petitioner for electricity, water and drainage connection and thereby, the petitioner constructed building in the said site. Subsequently, when the petitioner approached the respondent board for the issue of sale deed, the board has not taken any steps to issue sale deed to the petitioner and gave only evasive replies. Hence, the petitioner lodged a complaint/ made a representation before the second respondent on 13.08.2019, however, till date no action was taken on the petitioner's complaint. Hence, this Writ Petition.

3. The learned counsel for the petitioner submitted that, the petitioner had complied with all the conditions of the respondent board for the issuance of sale deed in her favour in terms of the allotment order made by the respondent board dated nil 08.84 in No.18822/83/A4 and though she has paid the entire land cost payable to the respondent board with interest and the same was also acknowledged by the respondent board, they have not executed the sale deed in favour of the petitioner and no action was taken on



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her complaint dated 13.08.2019. Hence, he submitted that, it would suffice, if this Court issues direction to the respondent board to issue sale deed in favour of the petitioner as expeditiously as possible.

4. The learned counsel appearing for the respondent board submitted that, on field inspection, it was found that the petitioner is not residing in the said plot and one Mrs.Padmaja is residing in the said premises. He further submitted that, the sale deed was not issued in favour of the petitioner, as the petitioner's name was not found in the eligibility list and one Kandaswamy/Etiappan name has been found in the eligibility list. He furthermore submitted that the allotment order No.18822/83/A4 dated 8/84 is a forged one and when the petitioner was informed to appear in person for enquiry, she failed to appear for enquiry before the respondent board. It is pertinent to note that, the board is initiating steps to take departmental action against the officials who sent the recommendation to the board to issue sale deed in favour of the petitioner and also the board has not received any representation dated 13.08.2019. Hence, he prays this Court for the dismissal of the present Writ petition.



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WEB COPY 5. Heard the arguments advanced by the learned counsel on either side and perused the materials available on record.

6. Though contentions and Counter Contentions have been raised, the fact remains that, though opportunity of hearing was given to the petitioner, she has not appeared. However, to render substantial justice, this Court without going into the merits of the case, issues direction to the petitioner to appear before the respondent board on **16.03.2022** and the respondent board shall conduct enquiry and pass appropriate orders in accordance with law within a period of **two weeks** thereafter.

7. Accordingly, this **Writ Petition is disposed of.** No costs. Consequently, connected miscellaneous petition is closed.

10.01.2022

skt

Index : Yes/No

Speaking order : Yes/No

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Note to Office:

WEB COPY Issue order copy today (i.e.,01.03.2022)

To:

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5 Kamarajar Salai,
Chennai - 600 078.

M.DHANDAPANI, J.

skt

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