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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.6710 of 2017

1.K.Shanmuga Naidu
2.B.Rajalaxmi Naidu
3.S.Srinivasan Naidu @ Rohit Naidu
4.S.Jaganathan Naidu
5.Mohana .. Petitioners

Versus

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

2.The Estate Officer
Tamil Nadu Slum Clearance Board
Division – II, T.P.Vyasarpadi
Chennai – 600 039

3.P.Srinivasan (Deceased)
4.S.Devagi
5.S.Manju
6.S.Sangeetha
7.S.Divya
(R4 to R7 substituted as LRs of deceased third respondent
vide Order dated 04.11.2022 made in W.M.P.No.26746/2022
in W.P.No.67140/2017) ... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue sale deed in respect of the Plot No.111, Chozan Nagar Scheme, Vyasarpadi Chennai – 600 039 by receiving appropriate charges towards the same in the name of the petitioners and the 3rd respondent based upon the representation dated 28.01.2017 given by the petitioners.

For Petitioners : Mr.A.Rajesh Kanna
For Respondents : Mr.S.Karthikeyan for R1 & R2
R3 – Died
Mr.S.Ranjith Kumar for R4 to R7

ORDER

This petition has been filed seeking to direct the respondent to execute the sale deed in favour of the petitioners and third respondent.

2. Originally, the property was allotted by the Respondent Board in favour of one Mr.Parthasarathy, the father of the fourth petitioner and the third respondent herein; the grandfather of the petitioners 1 to 4 and respondents 4 to 7 herein.

3. According to the petitioners, the entire sale consideration has been paid which is not disputed by the respondent officials. During the lifetime, the said Mr.Parthasarathy is also appears to have executed a will bequeathing the properties to his children vide Doc.No.102/2004. Based on the said will, the

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Letters of Administration is also granted by this Court in favour of the petitioner by Order in O.P.No.258 of 2006 dated 15.06.2006, wherein, the father of the respondents 4 to 7 viz., Mr.P.Srinivasan was also made as a respondent and it appears that he has chosen not to file any counter. Considering the entire evidences, the Letters of Administration was granted in favour of the petitioners. Now, it appears that after the death of the said Mr.P.Srinivasan, the respondents 4 to 7 have filed an application in A.No.3739 of 2021 seeking to revoke the Letters of Administration with a huge delay of 5421 days and it appears that same is allowed vide Order dated 25.04.2022, on the ground of non appearance by other side.

4. Whereas, the learned counsel for the petitioner submitted that notice itself is not served and the petitioners will take necessary steps to recall the above cancellation order before the concerned Court. Be that as it may, as the entire sale consideration is already paid, the issue in the writ petition is that the Slum Clearance Board has not issued sale deed in favour of the petitioners and the third respondent even after the death of the original allottee. However, allotment was issued to and in favour of the petitioners and the third respondent vide proceedings of the official respondent dated 29.02.2016. Even as per the Rules of

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Slum Clearance Board, sale deed and allotment has to be issued in favour of the legal heirs.

5. Such view of the matter, this Court directs the Slum Clearance Board to execute a sale deed in favour of all the petitioners and the private respondents. All the parties shall appear before the Slum Clearance Board within a month for execution of sale deed. This Court is of the view that mere execution of sale deed in favour of the parties will not be a bar to establish their rights before the appropriate Court.

6. Accordingly, this writ petitions stands allowed. No costs.

17.11.2022

Index : Yes/No
dhk

To

1.The Managing Director
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N. SATHISH KUMAR, J.

dhk

2.The Estate Officer
Tamil Nadu Slum Clearance Board
Division – II, T.P.Vyasarpadi
Chennai – 600 039

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