



W.P.Nos.30809 & 30810 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.30809 & 30810 of 2017

V.Lakshmipathi

... Petitioner in
W.P.No.30809 / 2017

Thulasi

... Petitioner in
W.P.No.30810 / 2017

Vs.

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 2.The Secretary to Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 3.The Principal Secretary – cum -
Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 4.The Estate Officer,
Estate Office – 6,



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Tamil Nadu Slum Clearance Board,
Mylapore, Chennai – 600 004.

... Respondents in
both W.Ps.

Prayer in W.P.No.30809 of 2017:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to issue an allotment order by way of regularization in the petitioner's name in respect of Plot No.88 comprised in Survey No.83, measuring to an extent of 49.0 sq. metre, at Lal Bhadhur Shastri Street, Lakshmipuram, Thiruvanmiyur, Chennai – 600 041 and to execute and register a sale deed.

Prayer in W.P.No.30809 of 2017:- Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to issue an allotment order by way of regularization in the petitioner's name in respect of Plot No.87 comprised in Survey No.82, measuring to an extent of 185.0 sq. metre, at Lal Bhadhur Shastri Street, Lakshmipuram, Thiruvanmiyur, Chennai – 600 041 and to execute and register a sale deed.

For Petitioner in both W.Ps.	: No appearance
For R1 & R4 in both W.Ps.	: Mr.Babu Muthumeeran Standing Counsel
For R2 & R3 in both W.Ps.	: Mr.K.Tippu Sulthan Government Advocate



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COMMON ORDER

WEB COPY There is no representation on behalf of the respective petitioners.

The learned Standing Counsel for the first and fourth respondents and the learned Government Advocate for the second and third respondents are present.

2. Both Writ Petitions have been filed for issuance of Writ of Mandamus, to direct the respondents to issue allotment orders by way of regularization in the petitioner's name in respect of Plot Nos.88 & 87 comprised in Survey No.83 & 82, measuring to an extent of 49.0 sq. mtr. and 185.0 sq. mtr. at Lal Bhadhur Shastri Street, Lakshmipuram, Thiruvanmiyur, Chennai – 600 041 respectively and to execute and register a sale deed.

3. These Writ Petitions are opposed by the respondents stating that the respective petitioners are not the original allottees and are the subsequent buyers under a private arrangement between the petitioner and the original allottee namely, Palaniappan vide unregistered Sale Deed.



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4. It is submitted that no Sale Deed has been executed in favour of the original allottee and there cannot be any regularization in the petitioners' name. It is submitted that notwithstanding the fact that the petitioner have taken possession under the private arrangement from the said Palaniappan the original allottee, the petitioners have no right and these Writ Petitions are therefore devoid of merits.

5. The fact remains that the petitioners have been staying in the said premises. The affidavit filed by the petitioners indicates that the petitioner are in possession of the land / plot.

6. Under these circumstances, I direct the respondents to pass appropriate order on the petitioner representations within a period of eight weeks from the date of receipt of a copy of this order. Needless to state, before passing such order, appropriate notice shall be issued to the petitioners. Such order shall be passed on merits and in accordance with law after considering submissions of the petitioners, if any.



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WEB COPY 7. These Writ Petitions stand disposed of. No cost.

16.11.2022

Internet : Yes / No

Index: Yes/ No

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To

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No.5, Kamarajar Salai,
Chennai – 600 005.
- 2.The Secretary,
Housing and Urban Development Department,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.
- 3.The Principal Secretary – cum - Managing Director,
Tamil Nadu Slum Clearance Board,
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- 4.The Estate Officer,
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C.SARAVANAN, J.

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