



W.P.No.27868 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.27868 of 2015
and M.P.No.1 of 2015

D.Indirani

.. Petitioner

VS

1.The Chairman,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Cheppakkam,
Chennai – 600 005.

2.The Estate Officer,
Tamil Nadu Slum Clearance Board,
K.K.Nagar, Sivalingapuram,
Chennai – 600 078.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 10.07.2015 and thereby direct the respondents to issue sale deed in respect of the Plot No.187, Velachery Lakshmipuram Scheme, Tamil Nadu Slum Clearance Board by receiving appropriate charges towards the same.



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For Petitioner : Mr.S.Sundaresan
for M/s.B.Gopalakrishnan
For Respondents : Mr.M.Babu Muthu Meeran
Standing Counsel

ORDER

1. The petitioner is an individual who seeks a mandamus directing the respondents being the Chairman and Estate Officer of the Tamil Nadu Slum Clearance Board (in short 'Housing Board / Board') presently the Tamil Nadu Urban Habitat Development Board to consider her representation dated 10.07.2015 and issue a sale deed in respect of Plot No.187 Velachery, Lakshmipuram Scheme, by receiving appropriate charges.

2. Admittedly, her representation is pending. However, mandamus as sought for is not able to be issued since there is a stark variation in the list of beneficiaries as supplied by the petitioner from page no. 7 of the typed-set accompanying the writ petition and the original list of beneficiaries produced by the respondent counsel. As per the list supplied by the petitioner, it is the name of the petitioner Indirani / Duraivel who figures in Sl.No.187 whereas as per the original list, the name reflected is of one Mohamad Muthalif.



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3. The counter filed by the respondents at paragraph 10 is based on this factual differentiation and reads as follows:-

"10. I submit that according to the Velachery Lakshmi Puram project area was taken up under the Tamil Nadu Urban Development Project. The eligible list of beneficiaries has been prepared by the Executive Engineer, TNUHDB for the project area and the Plot No.187 was mentioned in the name of one Mr.Mohamed Muthalif, as beneficiary but so far this Plot has neither been allotted to the petitioner nor to Mr.Mohamad Muthalif by the board for the reason non-payment of the dues to the Board. To get allotment the following conditions are to be fulfilled by the beneficiary.

- a. The Beneficiary name should be in the Eligible list of beneficiaries.*
- b. The Beneficiary should agree to pay the amount fixed by the Board.*
- c. The Beneficiary should pay initial amount prescribed by the Board for the said Plot and balance amount to be said in equal instalments to get sale deed as per the terms and condition of the Allotment Order.*
- d. The Beneficiary should not execute sale or mortgage or transfer the possessions of the said plot with or without the knowledge of the board and if it is done so, it is illegal and void."*

4. In light of the factual inconsistencies no mandamus may be issued as sought for by the petitioner. The pendency of the petitioner's representation is thus of no consequence in light of the aforesaid narration.



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5. This writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

09.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

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