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W.P.No.8136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P. No. 8136 of 2023  
and WMP. No.8370 of 2023**

1. A.Selvam  
2. K.Sivagami

... Petitioners

Vs.

1. The Secretary to Government,  
Public Works Department,  
Secretariat, Chennai-9.

2. The Commissioner,  
Greater Chennai Corporation,  
Ribbon Building,  
Chennai-3.

3. The chairman,  
Tamil Nadu Slum Clearance Board,  
Kamarajar Salai, Chennai.

4. The Managing Director,  
Tamil Nadu Slum Clearance Board,  
Kamarajar Salai,  
Chennai-5.

5. The Estate Officer,  
Estate Office No.5,  
Tamil Nadu Slum Clearance Board,  
TB.Chatram, Chennai-10.

6. The Superintendent, Division-4,  
Tamil Nadu Slum Clearance Board,  
TB.Chatram, Chennai-10.



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7. A.Arumugam

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... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondnets particularly the impugned notice dated 03.01.2023 vide Na. Ka. No. 1977 / A / GA3 / 2022 issued by the 5th respondent and quash the same and consequently direct the respondents particularly the respondent 3 to 6 to take necessary action for registering sale deed in of the petitioners and the 7th respondent as the legal heirs of the deceased Achuthan the original allottee of a house property situated at No. 1/111 5th Street N.S.K. Nagar Arumbakkam Chennai-600 106 Plot No.230 to an extent of 109.0 square meters (Originally allotted Plot No.228 to an extent of 0.98 Square Meters as per Survey Report on 19.10.2012 vide reference NSK Nagar, Arumbakkam, Project Area (MUDP/TNUDP) Plot No.228 I/19.10.2012) on the basis of the representations dated 12.12.2022 and 25.01.2023.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.E.Veda Bagathsingh, SGP R1  
Mrs.P.T.Ramadevi, Standing Counsel R2  
Mr.S.Karthikeyan, Standing Counsel  
For RR3 to 6

### **ORDER**

Mr.E.Veda Bagathsingh, learned Special Government Pleader,  
Mrs.P.T.Ramadevi, learned Standing Counsel, and Mr.S.Karthikeyan,  
Standing Counsel, takes notice for the respondents respectively. By



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consent of both the parties, the writ petition is taken up for final disposal at the time of admission stage itself.

2. The Writ Petition has been filed seeking to quash the impugned notice dated 03.01.2023 issued by the 5th respondent and consequently, direct the respondents 3 to 6 to take necessary action for registering sale deed of the petitioners and the 7th respondent as the legal heirs of the deceased Achuthan, who is the original allottee of a house property situated at No. 1/111 5th Street N.S.K. Nagar Arumbakkam Chennai-600 106 Plot No.230 to an extent of 109.0 square meters (Originally allotted Plot No.228 to an extent of 0.98 Square Meters as per Survey Report on 19.10.2012 vide reference NSK Nagar, Arumbakkam, Project Area (MUDP/TNUDP) Plot No.228 I/19.10.2012) on the basis of the representations dated 12.12.2022 and 25.01.2023.

3. It is the grievance of the petitioners that the petitioner's father was allotted a house situated at No.1/111, 5<sup>th</sup> street, NSK Nagar, Arumbakkam, Chennai by the first respondent on 26.04.1995 in favour of the petitioner's father and his brother. Subsequently, the petitioner's father and his brother died. The petitioners and the 7<sup>th</sup> respondent made a



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representation dated 12.12.2022 to the respondents 3 & 4 for execution of sale deed in respect of the above said property. After receipt of the said representation, the 3<sup>rd</sup> respondent issued impugned notice dated 03.1.2023 stating that due to expansion of Koovam river, the above said land is required and therefore, the Government will take necessary steps to expand the Koovam river or to construct a bridge in and around the petitioner's plot. Challenging the said notice, the present writ petition has been filed.

4. The learned counsel for the petitioners submitted that the petitioners are possession and enjoyment of the above said land for more than two decades and the subject property is situated far away from the koovam river. However, there is vast unobjectionable land available in the said area. Therefore, this Court, without considering the impugned notice, may permit the petitioners to make a application to the Government to provide the alternative land to the them and issue a direction to the 5<sup>th</sup> respondent to consider the petitioner's request and pass appropriate orders within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner and the learned



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Government Counsel appearing on behalf of the respondents and perused the materials available on record.

7.Considering the fact that the petitioners are in possession and enjoyment of the property fore more than two decades, this Court, without going into the merits of the case and without interfering with the impugned notice, permits the petitioners to make a fresh representation to the 5<sup>th</sup> respondent for alternative land within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the 5<sup>th</sup> respondent shall consider the same and pass orders on merits and in accordance with law, within a period of six weeks, thereafter.

8.With the above directions, the writ petition stands disposed of.  
No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No

Internet : Yes/No



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**M.DHANDAPANI,J**

**rli**

To

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