



W.P.No.33821 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..02..2023

Coram

The Honourable **DR.JUSTICE ANITA SUMANTH**

Writ Petition No.33821 of 2015

and

M.P.Nos.1 to 3 of 2015

R.Chandrasekaran

..... Petitioner

-Versus-

1.The Managing Director,
Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600005.

2.The Commissioner,
Chennai Corporation,
Chennai 600003.

3.Mrs.Mumtaj Begaum

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned Allotment Order bearing Na.Ka.No.131/94/E4, dated 01.03.1994 issued by the 1st respondent to the 3rd respondent and to quash the same and direct the 1st respondent to issue sale deed for the subject land to the petitioner.



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For Petitioner : Mr.KSL Narain

*For Respondents : Mr.Balaji for Mr.Karthikeyan,
Standing Counsel for R1
Ms.Nivedita R Mehta for R3
No appearance for R2*

ORDER

The petitioner has challenged an allotment order dated 01.03.1994 issued by the 1st respondent being Managing Director of Tamil Nadu Slum Clearance Board (in short, 'the board/R1') to the 3rd respondent, a private party.

2. It is the case of the petitioner that he had constructed a house out of his earnings in Plot No.2682 ad-measuring 109 square meters in RS No.394/part of Kodambakkam village (property / property in question) in 1970. He claims that he was allotted the aforesaid property by the 1st respondent in 1983 through proceedings bearing No.18822/81/A4/W.B.P.I/II/III dated 09.12.1983.

3. The sale price was fixed at Rs.4,260/- and the petitioner was granted a scheme of instalment for a period of 10 years. The petitioner claims to have been paying the instalments regularly. When the petitioner



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wished to renovate the building in 1985, he sought a No Objection Certificate from the 1st respondent for which he was asked to deposit the entirety of sale consideration which also he states that he had complied with.

4. The petitioner shifted to Trichy in 1996 and had availed a loan from the husband of the 3rd respondent in 1995 prior to his departure. He claims that all the original documents relating to that property were deposited with the husband of the 3rd respondent for this purpose. On his return, according to him, and to his shock, the 3rd respondent had squatted on the property and was using the same as though it were her own.

5. The petitioner lodged a complaint on 02.07.2014 in the Land Grabbing Cell as against the 3rd respondent and CSR No.2916292 has been issued. A criminal original petition was filed by the petitioner being CrI.O.P.No.76756 of 2014 which came to be dismissed on 27.07.2017.

6. The affidavit filed in support of the writ petition contains various other grounds that the petitioner believes supports his claim over



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the property. In the light of the order that is passed, I do not see any necessity either to advert to or deal with the same.

7. Admittedly, the petitioner has filed a suit in O.S.No.8852 of 2022 which is pending before the IV Additional City Civil Court, Chennai. The suit was filed as an indigent person in OP No.82 of 2019 and the petitioner had been pursuing the same. It was ordered in 2022 pursuant to which the petitioner is pursuing the suit in full earnest and on merits. The suit is for a direction to the 1st defendant, who is the 3rd respondent in this writ petition, to surrender possession of the property to him.

8. The second prayer is for a declaration that the superstructure built on the property is an encroachment and the third prayer is for a direction to the defendants 1 and 2, being respondents 3 and 1 respectively, to pay damages for mental agony and physical suffering as well as costs.

9. This court is of the view that the present writ petition is wholly unnecessary as the petitioner may seek the same relief as sought for in



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this writ petition in the civil suit. This court does not wish to encourage the party to ride multiple horses in respect of the same cause of action and thus, grants liberty to the petitioner to move the civil court for appropriate interim relief therein as well.

10. This writ petition is thus closed in light of the narration supra. To be noted that though the matter is pending from 2015, there is no interim order passed in the matter. Had there been such an interim order, this court might have been persuaded to extend the benefit of the same till such time interim protection was considered by the civil court. In such absence, the matter is left as is. Needless to say, application for interim relief, if any filed by the petitioner in the suit will be decided in accordance with law.

11. In the result, this writ petition is closed with liberty as above. No costs. Consequently, connected miscellaneous petitions stand closed.

Index : yes / no
Neutral Citation : yes
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To

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Tamilnadu Slum Clearance Board,
Kamarajar Salai,
Chennai 600005.

2.The Commissioner,
Chennai Corporation,
Chennai 600003.

Copy to

1.The IV Addl. City Civil Court, Chennai.



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DR. ANITA SUMANTH.J.,

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