



W.P.No.9379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

W.P.No.9379 of 2023

V.Revathi

...Petitioner

Vs.

1. The Chairman,
Tamilnadu Urban Habitant Development Board,
Formerly "Tamilnadu Slum Clearance Board",
No.5, Kamarajar Salai, Chennai- 600 005.
2. The Managing Director,
Tamilnadu Urban Habitant Development Board,
Formerly "Tamilnadu Slum Clearance Board",
No.5, Kamarajar Salai, Chennai- 600 005.
3. The Superintending Engineer,
Tamilnadu Urban Habitant Development Board,
Formerly "Tamilnadu Slum Clearance Board",
No.5, Kamarajar Salai, Chennai- 600 005.
4. The Executive Engineer, Division- III,
Tamilnadu Urban Habitant Development Board,
Formerly "Tamilnadu Slum Clearance Board",
Vyasarpadi, Near Pillar, Chennai- 600 039.
5. The Estate Officer,
Tamilnadu Urban Habitant Development Board,
Formerly "Tamilnadu Slum Clearance Board",



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Vyasarpadi, Near Pillar, Chennai- 600 039.

...Respondents

WEB COPY

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to execute and register a sale deed in favour of the Petitioner in view of the Final Decree dated 21.03.2022 passed by the Honble VII-Additional City Civil Judge, Chennai in I.A.No.12024 of 2018 in O.S.No.5949 of 2014 and registered as document No. 8572 of 2022 at the office of the Sub Registrar Purasawakkam, Chennai, based on the representation made by the Petitioner dated 29.11.2022.

For Petitioner : Mr.Ravichandran

For Respondents : Mr.G.Sivakumar, SC

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 29.11.2022 and consequently, execute and register a sale deed in favour of the Petitioner in terms of the Final Decree dated 21.03.2022 made in I.A.No.12024 of 2018 in O.S.No.5949 of 2014.

2. Mr.G.Sivakumar, learned Standing Counsel takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.



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WEB CONTENT

3. The case of the petitioner is that the Tamilnadu Slum Clearance Board, vide its proceedings dated 20.06.1986 and 02.03.1987 allotted the Plot Nos.166 & 215 situated in Manali Road, Vyasarpadi, Chennai in favour of the petitioner's family. Subsequent to the said allotment, the 2nd respondent executed lease cum Sale Agreement in favour of the petitioner's father and has also gave No Objection Certificates (in short 'NOC') to construct building in the subject property by raising loans and for getting E.B., Sewage and Water connections, vide proceedings dated 23.11.1987 and 30.08.1996. While such being the case, after the demise of the petitioner's father, due to some dispute in between the family members, the petitioner filed a suit for partition in O.S.No.5949 of 2014 on the file of the VII Additional City Civil Court, Chennai, as against one Prabhu, who is none other than the second wife's son of the petitioner's father, by impleading the officials of the Slum Clearance Board Board as well. After trial, a preliminary decree was passed on 11.04.2018, holding that the petitioner is entitled to half share in the subject property and since no appeal was preferred against the said preliminary decree dated 11.04.2018, the same became final. Thereafter, the petitioner filed I.A.No.12024 of 2018 in O.S.No.5949 of 2014 and pursuant to which, a final decree dated



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21.03.2022 was came to be passed, allotting an extent of 2416.4 sq.ft., in

Plot No.166 in favour of the petitioner. Thereafter, as per the direction of the 1st respondent, the petitioner made a representation dated 29.11.2022 before the 4th respondent seeking execution of sale deed in favour of the petitioner, in terms of the final decree dated 21.03.2022 made in I.A.No.12024 of 2018 in O.S.No.5949 of 2014. However, till date, no orders have been passed on the said representation. Hence this petition.

4. Heard learned counsel on either side and perused the materials available on record.

5. Though the petitioner has filed this Writ petition seeking issuance of direction to the respondents to execute and register a sale deed in favour of the Petitioner in terms of the Final Decree dated 21.03.2022 made in I.A.No.12024 of 2018 in O.S.No.5949 of 2014, however, when this Court expressed its opinion that the remedy available to the petitioner is to approach the Civil court, the learned counsel for the petitioner restricted the prayer and sought permission of this Court to file appropriate Execution petition before the Civil court.



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6. In view of the above, this Court without going into the merits of the case, grants liberty to the petitioner to file appropriate Execution Petition before the Civil court and workout her remedy in the manner known to law.

7. Accordingly, this Writ petition stands closed. No costs.

28.03.2023

skt

Speaking Order : Yes/ No

Index : Yes/ No

Note to office: Issue order copy on 29.03.2023.

To

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5. The Estate Officer,
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M.DHANDAPANI., J.

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