



WEB COPY



W.P.No.10534 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10534 of 2023

And

W.M.P.Nos.10477, 10478 and 10480 of 2023

1.R.Anjalai
2.R.Sarasa
3.R.Babu
4.R.Devi

... Petitioners

Vs.

- 1.The Managing Director,
Tamil Nadu Urban Habitat Development Board (TNUHDB),
No.5, Kamarajar Salai,
Chepauk,
Chennai – 600 005.
- 2.The Commissioner of Police,
Vepery, Chennai – 600 007.
- 3.The District Collector, Chennai,
Singaravelarmaligai,
Chennai – 600 001.
- 4.The Secretary,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chepauk,
Chennai – 600 005.
- 5.The Assistant Secretary,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.



W.P.No.10534 of 2023

6.The Estate Officer – V (Previously E.O – VI)
Tamil Nadu Urban Habitat Development Board,
R.K.Mutt Road, Mylapore,
Chennai – 600 004.

7.The Inspector of Police,
Mylapore Police Station,
Chennai – 600 004.

8.Mr.P.Jawahar

9.S.Karthikeyan

10.S.Chellapandian

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the sixth respondent pertaining to the proceedings bearing No.333/86/A5/Uu.Va.Thi dated 18.06.1987 and the consequential order passed by the fourth respondent bearing in their proceedings No.Se.Mu.Ka.No.E5/9731/2022 dated 01.11.2022 and quash the same and direct the sixth respondent to execute the sale deed in favour of the petitioner in respect to the property bearing Plot No.304, Old Plot No.389, Old Door No.48, Second Trust Main Road, Mandavelipakkam, Chennai – 600 028 comprised in old Survey No.4481/1 part and R.S No.4436/60 part in Block No.98, Mylapore Village, after receiving the land cost after removing the encroachment in the said plot and hand over vacate possession with in the stipulated time fixed by this Hon'ble Court.

For Petitioners : M/s.A.Kavimani

For Respondents : Mr.G.Venkatesan for R1, R4 to R6

Mr.E.Veda Bagath Singh for R2, R3 & R7
Special Government Pleader



W.P.No.10534 of 2023

ORDER

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W.M.P.Nos.10477 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.The petitioners have filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the sixth respondent pertaining to the proceedings bearing No.333/86/A5/Uu.Va.Thi dated 18.06.1987 and the consequential order passed by the fourth respondent bearing in their proceedings No.Se.Mu.Ka.No. E5/9731/2022 dated 01.11.2022 and to quash the same and direct the sixth respondent to execute the sale deed in favour of the petitioner in respect to the property bearing Plot No.304, Old Plot No.389, Old Door No.48, Second Trust Main Road, Mandavelipakkam, Chennai – 600 028 comprised in old Survey No.4481/1 part and R.S No.4436/60 part in Block No.98, Mylapore Village, after receiving the land cost after removing the encroachment in the said plot and hand over vacate possession with in the stipulated time fixed by this Court.

3/6



W.P.No.10534 of 2023

3.The case of the petitioners is that the petitioners are the legal heirs of one T.Raji, who died on 23.02.2009. The said T.Raji was allotted with subject property vide proceedings of the first respondent on 17.03.1987. The petitioners came to know that the allotment order given to the said T.Raji was cancelled vide proceedings dated 13.12.1999 only very recently. Hence, this writ petition.

4.The learned counsel appearing for the petitioners submitted that this Court, without going into the merits of the case, may grant liberty to the petitioners to make fresh application for fresh allotment, if any, in the vacant site.

5.In view of the above, this Court without interfering with the order impugned in this writ petition, grants liberty to the petitioners to work out the remedy in the manner known to law.

6.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

05.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

4/6



W.P.No.10534 of 2023

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