



WEB COPY



W.P.No.13700 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13700 of 2023

And

W.M.P.Nos.13372 and 13374 of 2023

S.Benat

... Petitioner

Vs.

1.The Managing Director
Tamil Nadu Slum Clearance Board,
Now known as Tamil Nadu Urban Habitat
Development Board,
Rep. by its Chairman,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.

2.The Assistant Secretary (Plots)
Tamil Nadu Slum Clearance Board,
Now known as Tamil Nadu Urban Habitat
No.5, Periyar Maligai,
Kamarajar Salai,
Chepauk, Chennai – 600 005.

3.The Estate Officer – IV
Tamil Nadu Slum Clearance Board,
Now known as Tamil Nadu Urban Habitat
South Boag Road,
Chennai – 600 017.

4.B.R.N.Ilayaraja

5.I.Poornima

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to inspect the Plot No.14, 8th Cross Street, Trust Puram, Chennai – 600 024 and forbear the respondents 4 and 5 from putting up any construction in the said Plot No.14, and to direct the first respondent to execute the necessary sale deed in favour of the legal heirs of late Mr.Swamydoss, in respect of the said Plot No.14.

For Petitioner : Mr.B.Dinesh Kumar

For Respondents : Ms.K.Indumathy Venkatesan
for R1 to R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to inspect Plot No.14, 8th Cross Street, Trust Puram, Chennai – 600 024 and to forbear respondents 4 and 5 from putting up any construction in Plot No.14 and to direct the first respondent to execute the necessary sale deed in favour of the legal heirs of late Mr.Swamydoss, in respect of Plot No.14.



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2.The case of the petitioner is that the subject property was allotted in the name of the petitioner's father Swamydoss and his brother Jesudoss under lease cum sale agreement executed by the first respondent dated 01.06.1989. All the dues were paid by Swamydoss without any default and Jesudoss relinquished his right over the property by executing sale deed dated 17.06.1996. Thereafter, after clearing all the dues, Swamydoss applied to the first respondent for sale deed in his favour, however, since the property was originally allotted in the joint name of Swamydoss and Jesudoss, sale deed was also prepared in the joint name. During his lifetime, the said Swamydoss made representation seeking rectification of the same, however, it was not done. Now, the respondents 4 and 5 who have purchased the adjacent property is illegally attempting to put up construction in the subject property. Hence, the petitioner, being the legal heir of Swamydoss made representation to the official respondents seeking to inspect Plot No.14 and to forbear respondents 4 and 5 from putting up any construction in Plot No.14 and to direct the first respondent to execute the necessary sale deed in favour of the legal heirs of late.Swamydoss, in respect of Plot No.14 and since the same has not yet been considered, has filed this writ petition.



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3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issue direction to the third respondent to conduct enquiry inbetween the petitioner, the other legal heirs of late.Swamydoss as well as the legal heirs of the said Jesudoss and to to execute necessary sale deed in favour of the legal heirs of late.Swamydoss, in respect of Plot No.14.

4.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3. Since this Court is not inclined to pass any adverse order as against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the third respondent to conduct enquiry inbetween the petitioner, the other legal heirs of late.Swamydoss as well as the legal heirs of Jesudoss and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.



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6.The writ petition is accordingly disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

01.06.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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