



W.P.No.13636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13636 of 2023

V.Nirmala Vedaprakash

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

2. The Estate Officer,
VII, Tamil Nadu Slum Clearance Board,
2/124, Sir Thiagaraya Nagar,
Teynampet,
Chennai – 600 018.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 03.04.2023 and to issue the Plot No.54, Door No.2, Kakkan Nagar 5th Street (3rd Cross Street), Adambakkam, Chennai – 600 088.



W.P.No.13636 of 2023

For Petitioners : Mr.S.Vanchinathan
For Respondents : Ms.K.Indhumathi Venkatesh
Slum Clearance Board

O R D E R

This Writ Petition has been filed for a direction to the respondents to consider the representation of the petitioner dated 03.04.2023 and to issue the Plot No.54, Door No.2, Kakkan Nagar 5th Street (3rd Cross Street), Adambakkam, Chennai – 600 088.

2. The case of the petitioner is that the petitioner has purchased a property from the main allottee by way of an unregistered sale deed and thereafter, she made a representation to the respondents on 30.04.2023 to issue allotment order in her favour. Since the same has not been considered, the present Writ Petition has been filed with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would further submit that it would suffice, if this Court may issue a direction to the respondents to consider the petitioner's representation dated 30.04.2023



W.P.No.13636 of 2023

and pass appropriate orders, within a time frame that may be fixed by this Court.

4. Per contra, the learned counsel appearing for the Slum Clearance Board, on instructions, would submit that admittedly, the allotment order was issued in the name of the petitioner's vendor and the petitioner's vendor had cleared the entire amount and obtained the sale certificate. As per the terms and conditions of the allotment, the allottee is not entitled to alienate the property in favour of some third parties. Hence, the allotment itself is based on the possession and enjoyment by the petitioner's vendor and the said plot was allotted by considering the petitioner's vendor as a weaker section. However, he has no power to alienate the property in favour of third parties. The petitioner purchasing property by way of unregistered sale deed will not confer the power to claim right over the property. Hence, the entire transaction in between the petitioner and her vendor itself is contrary to the regulations issued by the Slum Clearance Board.



W.P.No.13636 of 2023

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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the property was purchased by the petitioner by way of an unregistered sale deed. When the petitioner's vendor himself is not entitled to transfer the property to a third party, question of claiming right over the property by the petitioner who has purchased the property by way of an unregistered sale deed does not arise. The stand taken by the Slum Clearance Board is accepted and the Writ Petition being devoid of merits.

7. With the above observations, this Writ Petition is dismissed. No costs.

01.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

Page 4 of 6



W.P.No.13636 of 2023

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W.P.No.13636 of 2023

M.DHANDAPANI,J.

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W.P.No.13636 of 2023

01.06.2023