



WEB COPY



W.P.No.33680 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.33680 of 2016 and

W.M.P.No.29062 of 2016

1.N.Sakthivel

2. Latha

..Petitioners

VS

1. The Chairman

Tamil Nadu Slum Clearance Board
Chepauk, Chennai – 600 005.

2. The Estate Officer – X Zone

Tamil Nadu Slum Clearance Board
Anna Nagar, Chennai – 600 040.

3. Kuppu

4. Govindasamy

5. Paripooranam

6. Padmavathi

7. Devi

8. D.Senthilkumar

[R5 impleaded vide order dated 23.03.2023 in
W.M.P.No.30221 of 2017 in W.P.No.33680 of 2016]

[R6 to R8 impleaded vide order dated 23.03.2023 in
W.M.P.No.28560 of 2017 in W.P.No.33680 of 2016] .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying
for a writ of Mandamus, directing the Chairman, Tamil Nadu Slum



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Clearance Board, Chepauk, Chennai – 600 005, the first respondent herein to execute a sale deed pertaining to the lands in possession of the petitioners comprised of Plot No.866, Door No.28/18, Balavinayagar Koil Street, G.K.M Colony, Chennai – 600 082 in their names jointly on receipt of balance if any.

For the Petitioner : Mr.D.Ashok Kumar

For the Respondents : Mr.B.Balaji
for respondents 1 & 2

Not ready in notice
for respondents 3 & 4

Mr.M.R.Senthil
for respondent 5

Mr.N.Elumalai
for respondents 6 to 8

ORDER

The relief sought for in the present writ petition is to direct the Chairman, Tamil Nadu Slum Clearance Board, Chepauk, Chennai – 600 005, the first respondent herein to execute a sale deed pertaining to the lands in possession of the petitioners, comprised of Plot No.866, Door No.28/18, Balavinayagar Koil Street, G.K.M Colony, Chennai – 600 082 in their names jointly on receipt of balance if any.



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2. The grievances of the writ petitioner is that the lease-cum-sale agreement between the Tamil Nadu Slum Clearance Board and one Subramania Chettiar was instituted on 10.03.1983. Prior to the lease-cum-sale agreement, the allotment order was also issued in the name of the said Subramania Chettiar on 10.03.1983. However, the plot allotted in favour of the said Subramania Chettiar is under the occupation of the petitioners as of now.

3. The learned counsel for the petitioners states that they are in possession of the property and they have submitted an application to the Slum Clearance Board to execute a sale deed, since the entire issue were already settled.

4. The impleaded parties are also claiming the right over the subject property, allotted originally in the name of the Subramania Chettiar. Thus, there is a dispute between the legal heirs of Subramania Chettiar and the petitioners and the said dispute is to be resolved by conducting enquiry by the Tamil Nadu Slum Clearance Board.



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5. The Tamil Nadu Slum Clearance Board authorities are open to institute sale deeds scrupulously by following the provisions of the Slum Clearance Board Act and the Rules applicable for allotment. It is not in dispute that the allotment was made in favour of Subramania Chettiar on 10.03.1983 and admittedly, the lease-cum-sale agreement was also instituted in the name of Subramania Chettiar. That being the factum, the claim of the petitioner, stating that they are in possession, cannot be taken into consideration, since the other impleaded respondents are claiming right over the property.

6. The learned counsel appearing on behalf of the impleaded respondents states that certain bogus legal heir certificate have been attained to encroach the property. However, the learned counsel for the petitioner opposed the same by stating that such forged documents were obtained by the impleaded respondents.

7. All these disputes are to be adjudicated with reference to the original documents and evidences. If at all the certificates produced by the parties are not genuine, then, proper actions are to be initiated.



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8. In view of the facts and circumstances, the relief as such sought for in the present writ petition cannot be granted, since the petitioners are not the allottees by the Tamil Nadu Slum Clearance Board and they claim possession only through the allottee Subramania Chettiar and the impleaded respondents are also claiming right over the property.

9. Thus, the Slum clearance Board authorities, in the event of receipt of any application from any of the parties, shall conduct an enquiry in detail with reference to the documents and evidences and thereafter, take appropriate decision on merits and in accordance with law.

10. With these directions, the writ petition is disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No
Neutral Order: Yes/No

23.03.2023

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To:

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1. The Chairman
Tamil Nadu Slum Clearance Board
Chepauk, Chennai – 600 005.
2. The Estate Officer – X Zone
Tamil Nadu Slum Clearance Board
Anna Nagar, Chennai – 600 040.



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S.M.SUBRAMANIAM,J.

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