



WEB COPY



W.P.No.23385 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2023

CORAM

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

W.P.No.23385 of 2018 and
W.M.P.No.27289 of 2019

T.Marudambal

...Petitioner

Vs

1. The Managing Director,
Tamil Nadu Slum clearance Board,
No.5, Kamaraj Salai,
Chennai – 600 005.

2. The Estate Officer (South),
Tamil Nadu Slum Clearance Board,
K.K.Nagar, Chennai – 600 078.

...Respondents

PRAYER: Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for records relating to the first respondent's orders made in Na.Ka.No.G8/2386/2012 dated 8.1.2016 and Na.Ka.No.G8/2386/2012 dated 30.07.2018 to quash the same and to consequently direct the respondents to accept appropriate final cost of flat No.A/7, MIG 28th block, Jafarkhanpet, R.V.Nagar, Chennai – 600 083, without insisting upon any penal interest and to issue Sale Deed for the same.

For Petitioner : M/s.L.Chandrakumar

For Respondents : Mr.G.Venkatesan



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ORDER

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Board revoking the allotment made in favour of the petitioner and modifying the same into the allotment as rent, and for a consequential direction to the respondents to accept the appropriate final cost of flat No.A/7, MIG 28th block, Jafarkhanpet, R.V.Nagar, Chennai – 600 083, without insisting upon any penal interest and to issue Sale Deed for the same, the petitioner is before this Court.

2. It is the case of the petitioner that she was allotted plot No.A7, MIG flats, Jafarkhanpet, Ashok Nagar, Chennai by the Tamil Nadu Slum Clearance Board upon condition that the petitioner has to pay a sum of Rs.1,83,100/- towards initial payment and the balance should be paid in equated installments for a period of 15 years at the rate of Rs.6595/- per month. On account of the ill health of her husband, the petitioner has defaulted in complying with the said installments. While so, the Tamil Nadu Slum Clearance Board has revoked the allotment made. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that the Tamil



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Nadu Slum Clearance Board has not made any adjustment or apportionment of the amount paid by the petitioner and has cancelled her allotment without any application of mind. He further submits that the petitioner is admittedly in possession of the premises, without hearing the petitioner, the impugned order has been passed treating her as a tenant which is impermissible. Hence, he prays that the respondents may be directed to issue the allotment order without insisting upon any penal interest and to issue the sale deed.

4. Per contra learned counsel for the respondents submits that the petitioner has been in default of a sum of Rs.64,34,977/- as on 26.05.2016. He further submits that even after the notice sent on 28.02.2017, the petitioner has not taken any steps to pay the balance. Hence, the respondents left with no option revoked the allotment for purchase instead granted the allotment to reside as a tenant for a sum of Rs.10,000/- per month.

5. It is an admitted position that the petitioner has defaulted in installments. Further the petitioner has not established her allegations that the staff of the board has collected installments and have not issued



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any residence to her. It is seen that the respondents has given opportunity to the petitioner by issuing notice granting her 15 days time to make good the balance amount of Rs.64,34,977/- even then the petitioner did not estimate the same. Hence, there is no violation of principles of natural justice in this matter. Further the respondents has not evicted the petitioner from the premises instead they treated the petitioner as a tenant on a sympathetic ground.

6. In fine, this Court sees no ground to interfere with the impugned order and the same is confirmed. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking/Non-speaking order : Yes / No

(rap)



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in

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M.DHANDAPANI., J.

Dispensed with for the present.

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