



WEB COPY



W.P.No.18583 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18583 of 2018

And

W.M.P.No.21930 of 2018

V.Venkatesan

... Petitioner

Vs.

1.The Chairman

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

2.Tamil Nadu Slum Clearance Board,

Rep. by its Secretary,
No.5, Kamarajar Salai,
Chennai – 600 005.

3.The Secretary,

Housing and Urban Development Department,
Secretariat,
Chennai – 600 009.

(R3 Suo Motu impleaded vide order
dated 30.08.2022 made in
WP.18583/2018 by RSMJ)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to issue a sale



W.P.No.18583 of 2018

deed in respect of Plot No.5, Door No.5, 8th Street, Malligai Poo Nagar Scheme, Ashok Nagar, Chennai – 600 083 in favour of the petitioner.

For Petitioner : Mr.G.Ravisankar
For Respondent : Mr.G.Venkatesan for R1 and R2
Standing Counsel
Mrs.V.Yamunadevi for R3
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to issue a sale deed in respect of Plot No.5, Door No.5, 8th Street, Malligai Poo Nagar Scheme, Ashok Nagar, Chennai – 600 083 in favour of the petitioner.

2.The case of the petitioner is that the property bearing Plot No.5, Door No.5, Malligai Poo Nagar Scheme was allotted by the Tamil Nadu Slum Clearance Board in the name of one Subburayan vide allotment order dated 13.09.1985 and after his demise the property was allotted in favour of his wife namely, Adhilakshmi vide order dated 09.07.2004. The said Adhilakshmi executed a registered sale deed dated 22.07.1999 in favour of one V.Lakshmi Ammal. The said V.Lakshmi Ammal died on 06.06.2014 leaving behind four legal heirs and among the four, three of them executed release deed dated 18.04.2015 in favour of the petitioner. Thereafter, the petitioner



W.P.No.18583 of 2018

remitted the entire land cost and the Slum Clearance Board also issued receipt in the name of the petitioner. Thereafter, the petitioner made representation dated 29.06.2018 to the respondent Board to issue sale deed in his favour and since the same has not yet been considered, has filed this writ petition.

3.The second respondent has filed a counter affidavit stating that the property at Plot No.5, Door No.5, Ashok Nagar Malligai Poo Nagar Scheme, 8th Street was allotted by the Tamil Nadu Slum Clearance Board in favour of one Subburayan vide allotment order dated 30.09.1985 and after his demise on 27.07.1990, the said allotment was transferred in favour of his wife namely, Adhilakshmi vide order dated 13.07.1999. Since the said Adhilakshmi was using the property for commercial purpose, Tamil Nadu Slum Clearance Board as per Resolution No.15, dated 30.06.2003 and proceedings dated 09.07.2004 issued an order of revised allotment dated 01.07.2003 by converting the residential plot into commercial.

4.It is further stated in the counter affidavit that the said Adhilakshmi sold the property to one V.Lakshmi Ammal/ Mother of the petitioner by way of registered sale deed dated 22.07.1999. The said



W.P.No.18583 of 2018

V.Lakshmi Ammal died on 06.06.2014 leaving behind four legal heirs and the other three legal heirs are said to have executed release deed in favour of the petitioner vide release deed dated 18.04.2015. Sale deed could not be issued to the petitioner since there is no allotment in favour of the petitioner and the Board is awaiting necessary Government Order, seeking permission for regularization of the allotment for issuing sale deed to non allottees.

5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. Initially the property at Plot No.5, Door No.5, Ashok Nagar Malligai Poo Nagar Scheme, 8th Street was allotted by the Tamil Nadu Slum Clearance Board in favour of one Subburayan vide allotment order dated 30.09.1985 and subsequently, the said allotment was transferred in favour of one Adhilakshmi. The said Adhilakshmi sold the property to one V.Lakshmi Ammal/ Mother of the petitioner. The said V.Lakshmi Ammal died on 06.06.2014 leaving behind four legal heirs including the petitioner and the other three legal heirs have executed release deed in favour of the petitioner. However, till date no allotment order



W.P.No.18583 of 2018

has been issued in favour of the petitioner. In the absence of allotment order, individual correspondence inbetween the petitioner and the earlier allottee is not binding on the Tamil Nadu Slum Clearance Board. Unless earlier transaction was approved by the Tamil Nadu Slum Clearance Board, this Court cannot issue any affirmative direction to the Tamil Nadu Slum Clearance Board. Hence, the prayer sought for is mis-conceived.

7.The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

06.03.2023

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

To

- 1.The Chairman
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 2.Tamil Nadu Slum Clearance Board,
Rep. by its Secretary,
No.5, Kamarajar Salai,
Chennai – 600 005.
- 3.The Secretary,
Housing and Urban Development Department,
Secretariat, Chennai – 600 009.

5/6



WEB COPY



W.P.No.18583 of 2018

M.DHANDAPANI,J.
pri

W.P.No.18583 of 2018
And
W.M.P.No.21930 of 2018

06.03.2023