



W.P.No.29477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29477 of 2023

V.Ramanan

.. Petitioner

VS

1.Assistant Secretary,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

2.Tahsildar,
Mylapore Taluk Office,
Bishop Garden,
46, Greenways Road,
Raja Annamalai Puram,
Chennai – 600 028.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the first respondent
to execute a rectification deed in my favour, considering the
representation dated 07.06.2022.

For Petitioner : Mr.M.Jeeva

For Respondents : Mr.G.Venkatesan
Standing Counsel for R1
Mr.P.Anandakumar,
Government Advocate for R2



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ORDER

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The case of the petitioner is that he sought for a name change and transfer of patta for his property at Plot No.69, Block No.21, R.S.No.1021/1, ad-measuring 57.5 sq m at Meerapuram 1st Street, Triplicane, Chennai – 600 005 (property / property in question).

2. He states that the property in question had been allotted to one Abdul Kareem from the Assistant Secretary, Tamil Nadu Slum Clearance Board, arrayed as R1 and that sale deed had been registered on 17.08.2004, he states. Patta had been obtained by the original allottee, who had also constructed a building on the property. The original allottee passed away on 14.09.2011 leaving behind legal heirs. According to the petitioner, he had purchased the property in question in 2017 from the legal heirs of the original allottee, under sale deed dated 30.11.2017 registration number 3701/2017.

3. In 2021, when he sought to change patta to his name, he received a letter on 09.11.2021 asking him to effect rectification and it was only at that point in time that he came to be aware of the errors in the original sale deed executed qua R1 and the original allottee. He also sets out some explanations in regard to the



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classification of the property that are not adverted to in detail bearing in mind the conclusion in this order. Finally, he seeks a mandamus directing the first respondent to execute rectification deed in his favour and has also filed representation dated 07.06.2022 to similar effect.

4. Mr.P.Anandakumar, learned Government Advocate, who accepts notice for R2 draws attention to the position that there are multiple factual matrices that arise from the pleadings in writ petition, many of which , he says are disputed. There is thus some lack of clarity on the actual facts upon which the prayer is premised.

5. I concur with the respondents to the effect that mandamus cannot be issue in a case such as the present, when the facts are yet to be assimilated and marshalled. However, the representation of the petitioner filed on 07.05.2022 may well be considered by them and an order passed on the representation after assimilating the facts and hearing the petitioner as well as any other party that may be necessary.

6. Hence, mandamus is issued to R1 to decide representation dated 07.06.2022, after hearing the petitioner as



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well as any other party that may be deemed fit and necessary in the circumstances of the matter and dispose the same within a period of six weeks from date of receipt of a copy of this order and in accordance with law.

7. Writ petition stands disposed in above terms. No costs.

07.11.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Assistant Secretary,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.

2.The Tahsildar,
Mylapore Taluk Office,
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DR. ANITA SUMANTH,J.

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