



W.A.No.1047 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1047 of 2023

A.Lourdunathan

.. Appellant

Vs.

1. The Chairman cum Managing Director
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai 5.

2. The Assistant Secretary
Tamilnadu Slum Clearance Board
Kamarajar Salai, Chennai 5.

3. S.Syed Azezullah

4. Sheriff Jati Begum

5. The Sub Registrar
Registration Department
Kodambakkam
Chennai 600 024.

.. Respondents



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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 21.01.2020 made in W.P.No.28252 of 2012.

For the Appellant : Mr.Venugopal P

For the Respondents : Mr.P.Muthukumar
State Government Pleader
Assisted by Mrs.R.Anitha
Special Government Pleader
for Respondent-5

Ms.A.L.Ganthimathi, S.C.
For Mr.C.Santhosh Kumar
for Respondent-3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The appellant assails the order passed by the learned Single Judge dismissing the writ petition.

2. In the writ petition, the appellant has assailed the sale deed dated 10.06.2011 executed by the Assistant Secretary, Tamil Nadu Slum Clearance Board, in favour of the respondents 3 and 4.

3. Learned counsel for the appellant submits that the sale



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deed has been executed without adhering to the principles of natural justice. No notice was issued to the appellant while executing the sale deed in favour of the respondents 3 and 4 or while issuing the allotment order in favour of the respondents 3 and 4.

4. The Tamil Nadu Slum Clearance Board is an instrumentality of the State. It is expected that the said Board follows the provisions of the statute, law and the principles of natural justice. According to learned counsel, the learned Single Judge has not considered all these aspects of the matter in the correct perspective and thereby, has arrived at an erroneous conclusion.

5. We have perused the order of the learned Single Judge.

6. The learned Single Judge has observed that the writ property was originally allotted to one Perumal. The said Perumal has obtained sale deed in his name from the Tamil Nadu Slum Clearance Board. On the basis of the sale agreement, the appellant



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has obtained an allotment order from the Tamil Nadu Slum Clearance Board on 22.05.1989. The third respondent got an allotment order from the Board in 1994 and also obtained the registered sale deed on 10.06.2011.

7. It is further observed that admittedly, there is a sale deed for the property standing in the name of the third respondent. The third respondent has obtained sale deed. There is also an allotment order dated 30.10.1994 issued by the Board in favour of the third respondent. The said allotment order has not been challenged by the appellant. Pursuant to the allotment, sale deed seems to have been executed.

8. The dispute also appears to be about the loan amount. Disputed questions of fact exist between the parties. It has been observed by the learned Single Judge that if at all the appellant has any grievance, he has to approach the Civil Court for redressal of his grievance.



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9. We do not find any error in the order of the learned Single Judge. The disputed questions of fact will have to be proved and the same can be proved only by adducing evidence before the Civil Court. More particularly, when the sale deed is the subject matter of challenge, the appellant has alleged overt acts on the part of the third respondent pursuant to the loan transaction between him and the third respondent.

10. In the light of the above and the liberty granted by the learned Single Judge to approach the Civil Court, we do not find any error in the order of the learned Single Judge.

11. The writ appeal is disposed of. There will be no order as to costs. CMP No.10459 of 2023 is closed.

(S.V.G., C.J.) (P.D.A., J.)
01.06.2023

Index : Yes/No
Neutral Citation : Yes/No



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P.D.AUDIKEVALU, J.

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