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W.P.No.12695 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12695 of 2021

and

W.M.P.Nos.13487 & 13488 of 2021

1. K.Manoharan
2. Dhanalakshmi

.... Petitioners

Vs

1. The Tamil Nadu Slum Clearance Board,
Rep. by its Chairman,
Kamaraj Salai, Chennai – 600 005.

2. The Estate Officer,
Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai – 600 040.

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the records pertaining to fixation of price of Rs.1,04,000/- in the impugned order of the 1st respondent in Che.Mu.Ka.No.E3/6482/2019 dated 26.02.2021 and quash the same.

For Petitioners : Mr.L.Jai Venkatesh

For Respondents : Mr.S.Karthikeyan
Standing Counsel



W.P.No.12695 of 2021

ORDER

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This Writ Petition has been filed challenging the order passed by the first respondent, thereby allotted the house plot by an order dated 26.02.2021.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The Government of Tamil Nadu by G.O.Ms.No.370, Revenue Department, dated 09.07.1990, has allotted lands in S.No.866/9, admeasuring 7.69.0 hectares, situated at New Anna Nagar, Thanthai Periyar Nagar and Annai Sathya Nagar, Thirumullaivoyal Village in favour of the first respondent. The petitioners, being slum dwellers, are residing in the same area for the past twenty years.

4. While being so, the first respondent has taken possession of the land in the year 1990. Thereafter, the petitioners submitted representation seeking allotment of the house site. After several steps were taken by the petitioners, the first respondent had issued an allotment order dated 26.02.2021 and the petitioner was directed to pay a



W.P.No.12695 of 2021

sum of Rs.1,04,000/-. Subsequently, the petitioner was directed to pay a sum of Rs.11,03,595/-. The only ground raised by the petitioners is that the similarly placed allottee was directed to pay a lesser amount for a similar plot situated in the very same area.

5. A perusal of the counter filed by the respondents and the submission made by the learned Standing Counsel appearing for the respondents reveals that the Government, by an order in G.O.Ms.No.370, Revenue Department, dated 09.07.1999, had transferred the lands comprised in Survey No.866/9, admeasuring 7.99 hectares, situated in Thirumullaivoyal Village, Ambattur Taluk, Tiruvallur District in favour of the Board. After obtaining necessary layout approval for the scheme from the CMDA, the respondents had developed the scheme under “As is Where is” basis. On this basis, the occupants for the plot are enumerated and the eligible list was prepared on 01.10.1994 and initial down payment was collected from all the eligible beneficiaries. Plot No.200, admeasuring 260 sq.mts, situated in New Anna Nagar, (Thirumullaivoyal) under the Colony Scheme, has been allotted to the petitioners. The petitioners submitted representation to allot the plot on 13.11.2018. The monthly installment of Rs.1144/- was fixed based on



W.P.No.12695 of 2021

the lease-cum-sale agreement executed by the respondents in favour of the petitioner on 26.02.2021. Whereas, one Nirmala has submitted a representation on 16.12.2016 for allotment of plot No.29 in her favour.

6. The factual calculation method followed by the respondents for the allottee are made based on the G.O.Ms.No.18 HG & UD Department, dated 12.01.1995 with regard to pricing of developed plots. Accordingly, even within the Corporation limit in Madras, the value of the square metre was fixed as Rs.400/- and outside the Corporation of Madras, the value of the square meter was fixed as Rs.200/-. Insofar as the plot allotted in favour of the said Nirmala is concerned, it has been allotted before the expansion of the Greater Chennai Corporation. After expansion of Chennai Corporation in the year 2019, as per the Government Gazettee Notification No.303, dated 19.07.2019, the value of the square metre is fixed as Rs.400/- per sq.mt. Therefore, the respondents has rightly fixed the rate at Rs.400/- per square metre.

7. Hence, this Court finds no infirmity or illegality in the allotment order as well as the price fixed by the respondents. Thus, the



W.P.No.12695 of 2021

writ petition is devoid of merits and is liable to be dismissed.

Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

06.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To

1. The Chairman
Tamil Nadu Slum Clearance Board,
Kamaraj Salai, Chennai – 600 005.

2. The Estate Officer,
Estate Officer III,
Tamil Nadu Slum Clearance Board,
Chennai – 600 040.



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W.P.No.12695 of 2021

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.12695 of 2021

06.06.2024