



W.P.No.22465 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

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

W.P.No.22465 of 2021 and
WMP.No.23701 of 2021

1.A.Sundari
2.A.Amudha
3.A.Kumudha

... Petitioners

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai 600 009
2.The Chairman and Managing Director,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai 600 005

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the second respondent in Na.Ka.No.E8/2167/2021 dated 13.07.2021 and to quash the same and consequently to direct the first respondent to consider the petitioners' request.



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For Petitioners : No appearance

For Respondents

For R1 : Mr.P.Sanjay Gandhi,
Government Advocate

For R2 : Mr.G.Venkatesan,
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 13.07.2021 thereby rejected the request made by the petitioner to cancel the condition not to sell the plot for ten years.

2. In the year 1987, a plot was allotted in favour of the first petitioner's husband by the second respondent by the allotment No.1511. The first petitioner's husband died on 22.12.2013 leaving behind the petitioners as his legal heirs. Thereafter, the legal heirs had settled all the dues to the second respondent. The second respondent had issued No Objection Certification and executed sale deed. The said sale deed was registered vide document No.1776 of 2020 on 20.08.2020. Thereafter, rectification deed was also executed and registered vide document No.2598 of 2020 for correcting the third petitioner's name. In the said



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deed, there is a specific condition that the petitioners cannot sell the said property within a period of ten years from the date of the sale deed. Thereafter, due to the family circumstances, in order to meet out the marriage expenses of the third petitioner, the first petitioner submitted application to relax the condition to sell the subject property. However, it was rejected by the second respondent.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter filed by the first respondent revealed that the respondents had taken a policy decision to neither consider the guideline value of the property nor market value of the property for fixing the sale consideration. The second respondent had fixed sale consideration only at Rs.14,780/- for the extent of 1017 sq.ft. as sale consideration. While allotting the said plot, taking into consideration of the economic status of the petitioners' family, the ten years restriction clause was incorporated from alienating the property with intention not to allow the allottees to sell the subject property to any other third party. Furthermore, having accepted the sale deed and



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claiming title over the property, the petitioners now turn back and seek relaxation of the condition imposed while execution of sale deed. Further, the concept of the Board in providing housing to the economically weaker section people by fixing the very minimum cost would prove that such restrictions are valid in the eye of law. Therefore this Court finds no infirmity or illegality in the impugned order passed by the second respondent. As such, this writ petition is liable to be dismissed.

5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.04.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

To

- 1.The Secretary to Government,
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Secretariat, Fort St.George,
Chennai 600 009
- 2.The Chairman and Managing Director,
Tamilnadu Slum Clearance Board,



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G.K.ILANTHIRAIYAN, J.

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