



W.P.(MD)No.437 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2024**

CORAM:

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

W.P.(MD)No.437 of 2018
and
W.M.P.(MD)No.429 of 2018

1.Kumar
2.Jeyachitra

... Petitioners

/Vs./

1.The Managing Director,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

2.The Executive Officer,
Tamilnadu Slum Clearance Board,
Trichy Division, Madurai Road,
Palakkarai, Trichy - 620 008.

3.Elangovan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents 1 and 2 to allot a



W.P.(MD)No.437 of 2018

house to the petitioners in the new four storied building built in the place of petitioner's house bearing No.27/2 of sengulam Kootupavar Colony, Kajapettai, Trichy.

For Petitioners : Mr.R.Subramanian

For Respondents : Ms.S.Latha (R1 & R2)
Mr.I.Pinaygash (R3)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to allot a house to the petitioners in the newly constructed four storied building built in the place of the petitioner's house bearing No.27/2 of Sengulam Kootupavar Colony, Kajapettai, Trichy.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioners were allotted a residence bearing No.27/2 at Sengulam Kootupavar Colony, Kajapettai, Trichy. Thereafter, they had executed a sale deed in favour of the third respondent in respect of the



W.P.(MD)No.437 of 2018

subject property on 03.05.1998. In order to construct a new building, it was handed over to the respondents 1 and 2 herein. Thereafter, the third respondent was allotted a new house by the allotment order dated 10.07.2013. Now, the third respondent is in possession and enjoyment of the same. The third respondent has paid the entire sale consideration and accordingly, the documents relating to the subject property were also transferred in the name of the third respondent.

4. The learned counsel appearing for the petitioner submits that the third respondent is now claiming the subject property through an unregistered sale deed and therefore, the respondents 1 and 2 ought not to have allotted the subject property in favour of the third respondent.

5. The prayer sought for in this writ petition cannot be considered, since the respondents 1 and 2 have already allotted the house in favour of the third respondent, in lieu of handing over the house bearing No.27/2 at Sengulam Kootupavar Colony, Kajapettai, Trichy.



W.P.(MD)No.437 of 2018

WEB COPY

6. In view of the above, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.11.2024

Index : Yes / No
NCC : Yes / No
Sm



WEB COPY



W.P.(MD)No.437 of 2018

G.K.ILANTHIRAIYAN, J.

Sm

Order made in
W.P.(MD)No.437 of 2018

Dated:
04.11.2024