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WP Nos. 1531 & 2229 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 25-06-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. ANAND VENKATESH**

**WP Nos. 1531 & 2229 of 2023  
and WMP No. 2304 of 2023**

**W.P.No.1531 of 2023**

D.Somasundaram

Petitioner(s)

Vs

1.The Managing Director  
Tamil Nadu Urban Habitat Development Board,  
(Formerly Tamil Nadu Slum Clearance Board)  
No.5, Kamaraj Salai, Chennai-600 005.

2.The Secretary,  
Tamil Nadu Urban Habitat Development Board,  
(Formerly Tamil Nadu Slum Clearance Board)  
No.5, Kamaraj Salai, Chennai-600 005.

3.The Estate Officer & Estate Office-III  
Tamil Nadu Slum Clearance Board,  
T.P.Chathiram,  
Chennai-600 010.

4.D.Chandran

Respondent(s)



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**PRAYER** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relatng to the proceedings in Se.Mu.Ka.No.E3/8384/2022 dated 16.12.2022 issued by the 2nd respondent, quash the same and consequently direct the respondents 1 and 2 to issue the Sale Deed in the name of the petitioner forthwith in respect of Plot No.182, Door No.164, measuring about 184 Square meter of land and building, situated at 8th Street, N.S.K.Nagar, Arumbakkam, Chennai 600 106.

For Petitioner(s): Mr.R.Bharath Kumar  
For Respondent(s): Mr.S.Karthikeyan,  
Standing Counsel for R1 to R3

Mr.G.Ravi Shankar for R4

**W.P.No.2229 of 2023**

D.Chandran

Petitioner(s)

Vs

1. The Chairman  
Tamil Nadu Urban Habitat Development Board,  
No.5, Kamaraj Salai, Chennai-600 005.

2.The Managing Director  
Tamil Nadu Urban Habitat Development Board,  
No.5, Kamaraj Salai, Chennai-600 005.



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3.The Secretary

Office of the Tamil Nadu Urban Habitat  
Development Board,  
No.5, Kamaraj Salai, Chennai-600 005.

4.D.Somasundaram

Respondent(s)

**PRAYER** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent dated 16.12.2022 and made in Number Se.Mu.Ka.No.E3/8384 of 2022 and quash the same as illegal and without jurisdiction and consequently direct the respondents 1 to 3 to issue joint allotment in the name of the petitioner and fourth respondent in respect of property situate at Plot No. 182, N.S.K. Nagar, Arumbakkam, Chennai-600 106 and to issue joint sale deed.

For Petitioner(s): Mr.G.Ravi Shankar

For Respondent(s): Mr.S.Karthikeyan,  
Standing Counsel for R1 to R3

Mr.R.Bharath Kumar for R4



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**ORDER**

Both the writ petitions are considered together, heard and disposed of through this common order.

2.W.P.No.1531 of 2023 has been filed challenging the impugned proceedings of the Secretary, Tamil Nadu Urban Habitat Development Board (herein after referred to as "2nd respondent" for the sake of convenience) dated 16.12.2022 and for a consequential direction to the 1st and 2nd respondents to issue Sale Deed in the name of the petitioner with respect to the subject property.

3.W.P.No.2229 of 2023 has been filed by the brother challenging the very same proceedings and for a direction to respondents 1 to 3 to issue a joint allotment in the name of the petitioner and the 4th respondent.

4.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

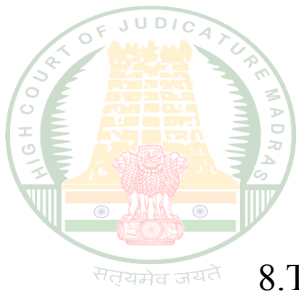


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5.Both the petitioners are brothers. It is seen from records that as per the proceedings of the 1st respondent dated 08.09.2000, the plot has been allotted in the name of D.Somasundaram. The total cost of the plot was fixed as Rs.19,204/- and the allottee was directed to pay the consideration in equated monthly instalments of Rs.221/- for a period of over ten years.

6.The case of Somasundaram is that he had paid the entire amount and had requested for execution of the Sale Deed and on receipt of such a request, the intimation notice was issued by the respondents calling upon the said Somasundaram to get the Sale Deed executed in his favour.

7.Mr.Chandran who is the brother seems to have submitted objections to the respondents on the ground that he is also in possession of half of the property and that the Sale Deed has to be executed in the joint names of both Somasundaram and Chandran.



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8.The respondents did not take any decision and hence, both the petitioners filed independent writ petitions in W.P.No.16234 of 2022 and W.P.No.18434 of 2022 for a direction to the official respondents to act upon the representation made by them. W.P.No.16234 of 2022 came to be disposed of by an order dated 26.07.2022 in the following terms:

*7. For the foregoing reasons, the writ petition is disposed of with a direction to the first respondent to pass final orders on the petitioner's representation dated 28.2.2022 for execution of the sale deed in favour of the petitioner in respect of the property bearing Plot No.182, Door No.164 measuring about 184 square meter of land and building situated at 8th Street, N.S.K.Nagar, Arumbakkam, Chennai 600106, within a period of eight weeks from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and any other person, whom the first respondent deems fit to enquire. No costs.*

9.W.P.No.18434 of 2022 came to be disposed of by an order dated 11.08.2022 in the following terms:



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*5. For the foregoing reasons, this writ petition is disposed of by directing the second respondent herein to pass final orders pursuant to the direction given by this Court on 26.07.2022 in WP No.16234 of 2022 after affording a fair hearing to this petitioner also (D.Chandran), who is the brother of D.Somasundaram (the petitioner in WP No.16234 of 2022). Both of them are permitted to produce necessary records/documents in support of their respective contentions before the first respondent.*

*6. Insofar as the time limit for passing of final orders is concerned, the second respondent, who is the first respondent in WP No.16234 of 2022 shall pass final orders as per the direction given in WP No.16234 of 2022 dated 26.07.2022.*

10.Pursuant to the above orders passed by this Court, the impugned proceedings dated 16.12.2022, came to be issued by the 2nd respondent and the same has been put to challenge in both the writ petitions.

11.The petitioner in W.P.No.1531 of 2023 is seeking for a Sale Deed exclusively in his name based on the fact that the allotment was in his name and



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it is only this petitioner who had paid the entire EMIs. Per contra, the petitioner in W.P.No.2229 of 2023 is seeking for joint allotment of the property in the name of Chandran and Somasundaram.

12.The 2nd respondent in the impugned proceedings has taken note of the report that was submitted by the Executive Engineer dated 02.11.2022. On carefully going through this report, it is seen that a spot inspection was conducted and the Executive Engineer found that both Somasundaram and Chandran were in possession of the property and that apart, both of them have leased out small portions of the property to third parties. Thus, Chandran had leased out to nearly 9 persons and Somasundaram had leased out to nearly 5 persons and both of them were collecting rents.

13.After the above report was submitted by the Executive Engineer, the impugned proceeding dated 16.12.2022 came to be issued by the 2nd respondent. The 2nd respondent has rendered a finding that one portion of the



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property is in occupation of Somasundram and the other portion of the property is in occupation of Chandran. Therefore, without their cooperation, survey cannot be conducted and unless the survey is conducted, the final decision regarding the execution of Sale Deed cannot be undertaken.

14. In the course of hearing, the learned Standing Counsel appearing on behalf of the Tamil Nadu Urban Habitat Development Board submitted that even though, the allotment was made in the name of Somasundaram, since Chandran is also in possession of the property. The Sale Deed cannot be exclusively issued in favour of Somasundram. To substantiate this submission, the learned Standing Counsel relied upon G.O.Ms.No.672, dated 10.07.1985.

15. On going through the Government Order that was relied upon by the learned Standing Counsel, there is no clarity in this Government Order which merely states that for those slum dwellers who do not own house sites or houses elsewhere and who are residing in a slum on or before 30.06.1977, they will be



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eligible for grant of Lease-cum-Sale Agreement under Madras Urban Development Project. The crucial date of eligibility of Slum Dwellers for the grant of Lease-cum-Sale Agreement was revised and fixed as 30.06.1984 instead of 30.06.1977. Therefore, this Government Order that was relied upon by the learned Standing Counsel does not really give any clarity regarding the person in whose favour the Sale Deed must be executed.

16.The impugned proceedings of the 2nd respondent dated 16.12.2022 does not provide any solution. Even if Chandran and Somasundaram are disputing among themselves, that does not prevent the authority to conduct a survey, since the extent of property that has been allotted is already available. Only if the survey is conducted, a report can be submitted on the persons who are in occupation of the property. In any event, an inspection has already been conducted by the Executive Engineer and he has submitted a report dated 02.11.2022, where he speaks about the property being occupied by Chandran, Somasundaram and many other third parties to whom small portions have been

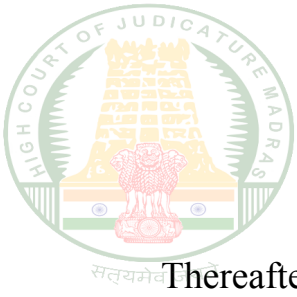


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leased. In spite of this report, the 2nd respondent is insisting for conducting the survey to enable the execution of the Sale Deed.

17.The 2nd respondent has virtually washed off his hands instead of solving the dispute and as a result, both the brothers are not satisfied with the proceedings and they have questioned the same. The only difference in the relief that has been sought for in these writ petitions is that Somasundaram is asking for a Sale Deed to be executed in his name exclusively. Whereas, Chandran is asking for execution of a Sale Deed jointly in his name and in the name of Somasundaram.

18.In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 16.12.2022 is neither favourable to Chandran nor in favour of Somasundaram and it has virtually left the case in limbo. Therefore, there shall be a direction to the 2nd respondent to deal with the claim made by the petitioners and to take steps to survey the survey the entire property.



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Thereafter, based on the survey report, the 2nd respondent shall take a final decision and while taking such a decision, it has to be reasoned out by relying upon the relevant Government Orders, Circulars, Regulations. This process shall be completed by the 2nd respondent, within a period of eight weeks from the date of receipt of copy of this order.

19. In the result, both the writ petitions are disposed of with the above directions. No Costs. Consequently, miscellaneous petition is closed.

**25-06-2025**

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Chairman

Tamil Nadu Urban Habitat

Development Board, No.5, Kamaraj

Salai, Chennai-600 005.

2.The Managing Director

Tamil Nadu Urban Habitat

Development Board, No.5, Kamaraj

Salai, Chennai-600 005.

3.The Secretary

Office of the Tamil Nadu Urban Habitat

Development Board, No.5, Kamaraj

Salai, Chennai-600 005.

4.The Estate Officer & Estate Office-III

Tamil Nadu Slum Clearance Board,

T.P.Chathiram,

Chennai-600 010.



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**N.ANAND VENKATESH J.**

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