



Cont. P. No.3164 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2025

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Contempt Petition No.3164 of 2024

N.Abdul Khader

.. Petitioner

Vs.

Mr.S.Prabhakaran, I.A.S.
Managing Director
Tamil Nadu Slum Clearance Board/
Tamil Nadu Urban Habitat Development Board
No.5, Kamarajar Salai, Chepauk
Chennai 600 005

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience and violating the order of this Court dated 23.08.2023 made in W.P.No.4503 of 2021.

For Petitioner	: Mr.J.Manikandan for Mr.R.Marudhachalamurty
For Respondent	: Ms.Indumathi Venkatesh Standing Counsel



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ORDER

WEB COPY When this contempt petition came up for hearing on 24.02.2025, this

Court passed the following order:

“When the contempt petition came up for hearing, the learned counsel appearing on behalf of the petitioner would submit that the petitioner has already produced the settlement deed. By virtue of the settlement deed, the entire property now stands in the name of the petitioner and the sale deed must be executed in the name of the petitioner alone.

2. The learned Government Advocate appearing on behalf of the respondent, by producing the communication dated 06.02.2025 would submit that they have to conduct an enquiry. The original allotment was in the name of the petitioner's father. He passed away, leaving behind the petitioner's mothers, the petitioner and two other sisters. Unless the other legal heirs give their consent, the respondent cannot take the settlement deeds into consideration and execute the sale deed in favour of the petitioner alone.

3. I have considered the said submissions. However, it can be seen that even before the writ petition, the petitioner had come forward with a prayer on the strength of the settlement deeds. Be that as it may, the respondent shall further conduct the enquiry based on the representation of the petitioner. The respondent shall issue notices to the petitioner as well as the other legal heirs. If all the other legal heirs give their consent to the petitioner, then the sale deed can be executed in favour of the petitioner. Even, if all the other legal heirs do not give their consent, their stance, whether they accept the settlement deed or not, can be ascertained by the respondent. If they are not aggrieved by the settlement deed and have not approached any Court of law to set aside the settlement deed, then, subject to their rights and by obtaining an indemnity bond from the petitioner, the sale deed can be executed in the name of the petitioner. The entire relief need not be refused, especially since the Court had earlier passed a direction to ascertain the details of the allottees and execute the sale deed in favour of such allottees.

4. In view thereof, this contempt petition is adjourned 24.03.2025 by which time, the developments can be reported to this Court.”

2. The contempt petition was thereafter listed on 24.03.2025 and the



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following order came to be passed by this Court:

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“When the matter came up for hearing, the learned counsel appearing on behalf of the respondent board would submit that the order dated 24.02.2025 could not be complied with in full because, despite notices being sent to the addresses mentioned, it was found that the sisters of the petitioner are not residing the said addresses. The respondent board is not in a position to vacate them. The petitioner also did not come forward to provide their particulars.

2. In view thereof, call this contempt petition on 01.04.2025.

3. In the meanwhile, the learned counsel appearing for the petitioner shall instruct the petitioner to approach the authorities either with the presence of his sisters or alternatively to furnish their current addresses, telephone numbers and other particulars for the authorities to contact them.”

3. The contempt petition was once again listed for hearing on 01.04.2025, this Court passed the following order:

“Today, when the matter came up for hearing, the learned counsel for the respondent would submit the matter is being heard today.

2. The Learned Counsel for the petitioner submits that the particulars are furnished to the respondent in respect of one of the sister, the address have been furnished and the other sister is no more. The particulars are furnished by a written representation dated 25.03.2025.

3. In view thereof, let this matter be called on 21/04/2025, so as to enable the respondent to pass orders in the meanwhile.”

4. Till date, the only sister who is alive has not given any objections and she is not able to be traced. Hence, the entire process of execution of sale



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deed in favour of the petitioner has come to a grinding halt. This Court has

already taken into consideration the fact that the allotment was made in favour of the father and he in turn, executed settlement deeds registered as document Nos.3204 and 3206 of 2010, whereby, 50% was settled in favour of his wife and 50% was settled in favour of the petitioner.

5. Subsequently, the petitioner's mother through a settlement deed registered as document No.3939 of 2018, has settled the 50% share which she received from the petitioner's father, in favour of the petitioner. Thus, the petitioner is claiming for absolute right to get the sale deed executed in his favour. There were two sisters for the petitioner. One sister has died and the death certificate has also been furnished to the respondent. The other sister is not traceable and till date, the other sister has not made any claim and therefore, this Court cannot endlessly wait for the other sister to report.

6. In view of the fact that the petitioner had already established his right over the entire property, there shall be a direction to the respondent to execute the sale deed in favour of the petitioner, after getting an indemnity bond from the petitioner that if any claim is made by the other sister in future, the petitioner will defend his rights and that the Tamil Nadu Slum Clearance Board



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will not be roped in that dispute.

WEB COPY With the above directions, this contempt petition is closed.

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Index : Yes/No

Neutral Citation : Yes/No

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N. ANAND VENKATESH, J.

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