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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 1628 of 2026

S.Sundaresan
S/o late Subramani
No 151, 1st Cross Street
Walajahpet, Ranipet District

..Petitioner(s)

Vs

1. The Chairman
   TNHB Department,
   CMDA Building Complex,
   Koyambedu, Chennai - 600 107.

2. The Executive Engineer
   Administrative Officer
   Tamil Nadu Housing Board
   Sathuvacheri, Vellore - 632 009.

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 4.11.2025 and consequently issue the No Objection / No due certificate for the property that was allotted vide allotment order No. VR -3 / 10738A / 94 dated 22.7.1994 and pass orders

For Petitioner(s):	Mr.R.Ramesh
For Respondent(s):	Mr.D.Veerasekaran Standing Counsel for R1 & R2

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ORDER

The writ petition has been filed for the following relief :

" *To issue a Writ of Mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 4.11.2025 and consequently issue the No Objection / No due certificate for the property that was allotted vide allotment order No. VR -3 / 10738A / 94 dated 22.7.1994."*

2. The brief facts of the case are herein below set out :

a. The petitioner is the brother of one Sivanesan. Sivanesan was allotted a house property at Door No.151, TNHB House, Ist Cross Street, Walajahpet, Ranipet District by the Tamil Nadu Housing Board vide Allotment No.VR-3/10338A/94 dated 22.07.1994. Thereafter, Sivanesan took possession and was in enjoyment of the subject property.

b. Be that as it may, Sivanesan had married one Pabitha and out of the wedlock, a girl child was born. Unfortunately, the said Sivanesan met with an accident and died on 25.01.2000. Prior to the death of Sivanesan, the petitioner and his mother Rukmani Ammal were staying with Sivanesan's family.

c. After the death of her husband Sivanesan, Pabitha had left the

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matrimonial home along with the minor child. Before she had left the house, Pabitha executed a General Power of Attorney on 14.03.2000 in favour of petitioner's mother Rukmani Ammal, after receiving full and final settlement of the property.

d. According to the petitioner, in the said Power of Attorney it has been stated that Rukmani Ammal would pay the arrears of instalment amount as well as to get the sale deed executed in her favour from TNHB, Walajapet.

e. Thereafter, the petitioner and his mother continued to reside in the subject property and the petitioner had been paying the monthly instalment due to TNHB.

f. The said Rukmani Ammal, the mother of the petitioner executed a Will in respect of the said property in favour of the petitioner on 17.12.2009 and the same was registered in SRO, Walajapet. Rukmani Ammal had died on 10.02.2020. Thereafter, the petitioner approached the second respondent vide his letter dated 06.12.2023 to issue No Objection Certificate and to transfer the property in his name. The second respondent by its letter dated 30.07.2024 had insisted the petitioner to furnish a NOC certificate from the legal heirs of deceased Sivanesan. The second respondent also demanded the petitioner to pay full and final settlement of Rs.67,500/- which is due to TNHB. The petitioner also made his

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payment as required by the respondents on 31.10.2025.

g. The petitioner would submit that his sister-in-law had contracted second marriage and had settled in abroad with her minor child and they have no communication with the petitioner's family.

h. Thereafter, the petitioner by his letter dated 04.11.2025 had requested the petitioner to issue No Due Certificate, as he had made the payment in full as required by TNHB.

i. On 02.01.2026, the petitioner had submitted a sworn affidavit duly notarised , detailing the entire facts and requested the respondents to effect name transfer and to allot the property in his favour, taking into account the General Power of Attorney executed by Pabitha and also the Will executed by his mother in his favour.

j. Since his bonafide efforts has ended in failure and no action has been taken by the second respondent to date, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and Mr.D.Veerasekaran, learned Standing Counsel appearing on behalf of respondents 1 and 2.

3. A perusal of records would indicate that the petitioner's brother Sivanesan is the original allottee of the subject property and after his death, his erstwhile wife Pabitha, had executed a General Power of Attorney on

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14.03.2000 in favour of her mother-in-law Rukmani Ammal, the mother of the petitioner. In the said Power of Attorney, she has stated as follows :

"... ... தமிழ்நாடு வீட்டு வசதி வாரியம் நெம்பர். 151–வீட்டில் வசிக்கும் லேட். எஸ்.சிவநேசன் அவர்களின் மனைவி எஸ். பபிதாவசிவநேசன் ஆகிய நான் எழுதிக் கொடுத்த பொது அதிகார ஆவணம் என்னவென்றால் என் கணவர் லேட். எஸ். சிவநேசன் அவர்களின் பெயரில் 2.9.87 ஆம் தேதியில் எல்ஆர்.நெம்பர். விஆர்3/107பீஏ/94 நாள். 22.7.94–ன்படி ஒதுக்கீடு பெற்று இது நாள்வரையில் அதாவது அவர் காலாந்திரம் வரை அனுபவித்து வந்த சொத்து விவரத்தில் தமிழ்நாடு வீட்டுவசதி வாரிய வீட்டை உன் பெயரில் மாற்றம் செய்துக் கொள்ளவும் மற்றும் மேற்படி வீடு சம்மந்தமான சட்டப்பூர்வ நடவடிக்கைகள் அனைத்தையும் என் சார்பாக நீயே எடுக்கவும், மற்றும் சொத்து விவரத்தில் கண்ட சொத்தை தமிழ்நாடு வீட்டுவசதி வாரியத்தில் இருந்து உன் பெயருக்கு கிரயப் பத்திரம் பெறவும், தமிழ்நாடு வீட்டுவசதி வாரியத்தில் உள்ள நிலுவை பாக்கியை நீரே செலுத்தவும் உனக்கு இதன் முன்னிலையில் பூரா அதிகாரம் அளிக்கிறேன். இந்தப்படிக்கு நான் சம்மதித்து எழுதி கொடுத்த பொது அதிகார ஆவணம். என் கணவர் இறந்துவிட்டபடியால் அவருடைய நேரடி சட்டபூர்வ ஒரே வாரிசு நான் என்கிறபடியால் இந்த பொது அதிகார ஆவணம் எழுதிக் கொடுக்கின்றேன்."

4. In addition to this registered Power of Attorney dated 14.03.2000, Pabitha had also executed an undertaking a few days later on 27.03.2000, wherein she has acknowledged the fact that she had relinquished her share in the property upon receiving a sum of Rs.6,50,000/- as compensation. Rukmani Ammal, the petitioner's mother is no more and the wife of his deceased brother Sivanesan, namely Pabitha had remarried and was living elsewhere.

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5. In the light of the registered document in which the said Pabitha had stated that she had transferred her interest in favour of her mother-in-law and the fact that she had agreed to receive a compensation of Rs.6,50,000/- in lieu of transferring her interest in the said property, the second respondent shall favourably consider the request of the petitioner on his executing a Indemnity Bond stating that in the event of Pabitha making any claim against the subject property, he would indemnify the power against such claim. The second respondent shall issue the No objection Certificate with respect to the allotment vide Allotment Order No.VR-3/10738A/94 dated 22.07.1997 and effect name transfer of said allotment in favour of petitioner, within a period two weeks from the date of indemnity being issued by the petitioner, subject to no amount due as against the said allotment.

6. With the above directions, the writ petition is disposed of. No costs.

23-01-2026

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

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P.T.ASHA, J.

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