

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10715 of 2014

T.G.Jayakumar

.. Petitioner

vs

1. The Managing Director,  
Tamil Nadu Housing Board,  
Nandanam, Chennai - 600 035.

3. The Executive Engineer,  
Tamil Nadu Housing Board,  
K.K.Nagar Division,  
Anna Nagar Circle,  
Chennai - 600 083.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to transfer the allotment from T.R. Govindarajulu to T.G.Jayakumar pursuant to the No Objection cum written consent given by all legal heirs and grant absolute sale deed to the petitioner in respect of Plot No.116, measuring about 40 sq.mtrs. @ N.Block, MMDA Colony, Arumbakkam, Chennai - 106.

For Petitioner : Mr.G.Appavu

For Respondents: Mr.V.Anandha Murthy  
Government Advocate

ORDER

Heard Mr.G.Appavu, learned counsel for the petitioner and Mr.V.Anadha Murthy, learned Government Advocate appearing on behalf of the respondents.

2. The petitioner has filed this writ petition to direct the respondents to transfer the allotment of the property in question from the name of his father to the writ petitioner. The petitioner's father was allotted the suit property by virtue of the order dated 19.12.1979 under proceedings No.AS.2/144404/79. The petitioner's father died on 12.4.1985 leaving behind the petitioner's mother, Tmt.Jayalakshmi, and four sons and one daughter as his legal heirs,

which is evidenced by the legal heirship certificate issued by the Tahsildar, Egmore - Nungambakkam on 27.5.85 in K.Dis.(B4)8480/85. The petitioner's mother Tmt.Jayalakshmi died on 24.6.1997.

3. The learned counsel for the petitioner submitted that the legal heirship certificate of his mother could not be obtained because of long lapse of time and the Tahsildar refused to entertain any application for grant of legal heirship certificate after demise of the petitioner's mother. It is submitted that, in any event, the legal heirship certificate of the petitioner's father has been produced which shows the name of the mother and the other legal heirs. Now that she is no more, her sons and her daughters are the only legal heirs of T.Govindarajulu and Jayalakshmi. It is submitted that the petitioner's brothers and sisters have given no objection in favour of the petitioner agreeing to transfer the allotment in favour of the petitioner.

4. In this regard, affidavits have been sworn to by the petitioner's brothers and sisters conveying their no objection for transfer of the allotment in favour of the petitioner. Thereafter, the petitioner is said to have made continuous representations to the Revenue authorities for transfer of the allotment in his favour. Since no orders were passed in the same, the petitioner has filed this writ petition.

5. It is submitted that the petitioner is a practicing advocate of this court and he is the standing counsel of the Railways for more than 20 years and he is a Notary Public and now his health condition is very bad and the petitioner pleads that Board may take an earlier action to to transfer the allotment in favour of the petitioner based on the legal heirship certificate of his father and death certificate of his mother and no objection, written consent given by all the legal heirs.

6. The learned counsel for the petitioner would submit that after transfer of allotment, to execute sale deed in favour of the petitioner, since the petitioner's father has paid the entire cost as demanded by the Board.

7. The learned standing counsel for the respondent Board submitted that if any further amounts are payable, the same would be intimated to the petitioner.

8. In the light of the above, this writ petition is disposed of, directing the respondents to consider the petitioner's case and the documents referred to supra and transfer the allotment in favour of the petitioner and thereafter execute deed of sale in favour of the petitioner in respect of the property in question after collecting necessary charges and amount payable, if any, payable towards the cost of the property. The above directed shall be

completed within a period of three weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar  
Dated:30.3.15

True Copy

Sub Assistant Registrar

To

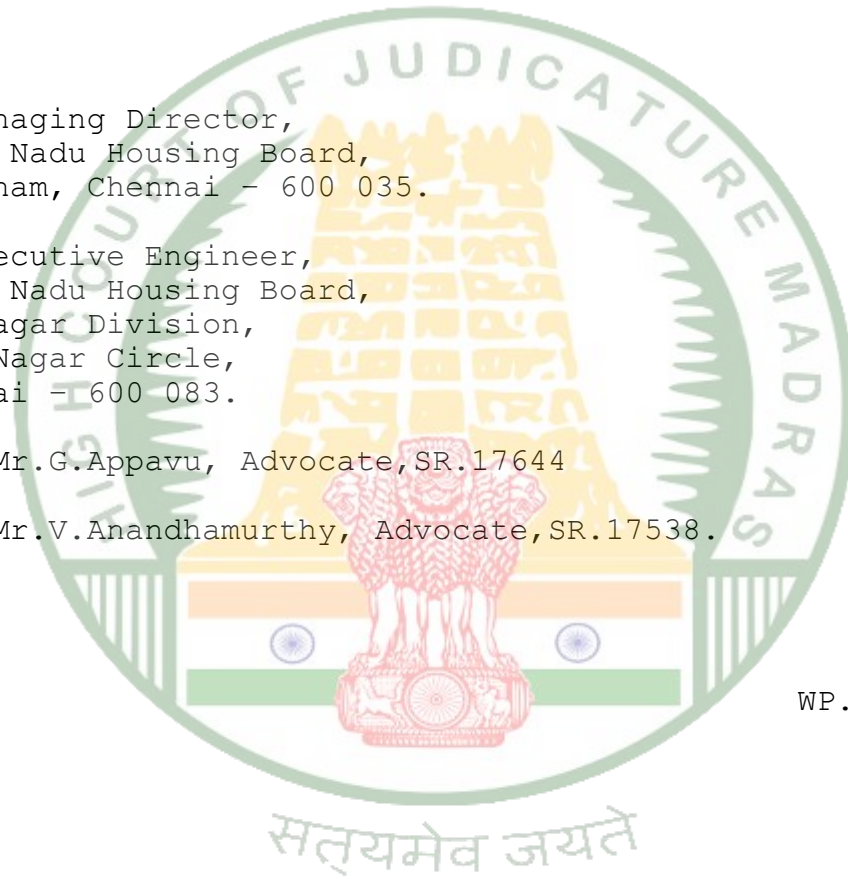
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+1 cc to Mr.G.Appavu, Advocate, SR.17644

+1 cc to Mr.V.Anandhamurthy, Advocate, SR.17538.

ksj (co)  
krd 30/3



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