

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.P.No.207 of 2014

R.Vijayalakshmi

.. Petitioner

Vs.

1. The Chairman,
Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.
2. The Executive Engineer,
Tamil Nadu Housing Board,
Besant Nagar Division,
Besant Nagar,
Chennai-600 020.
3. The Superintendent
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Muthulakshmi Salai,
Adayar,
Chennai-600 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution to issue a writ of Certiorarified Mandamus or any othe appropriate writ or order in the nature of Writ, calling for the records of the third respondent bearing impugned letter No.Allotment-2/600500/2013/dated 21.08.2013 and quash the same and consequently direct the respondents to allot/regularize the allotment made in favour of the petitioner's son late R.Munirathinam bearing letter No.AL2/600500/2013, dated 02.05.2013 bearing Flat No.L-02, in first floor, 56 LIG Flats at Indira Nagar Scheme, Chennai, under general public category scheme to the petitioner.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.V.Anandhamurthy,
Standing Counsel (TNHB)

O R D E R

Heard the learned counsel for the petitioner as well as the learned Standing Counsel on record for the respondents.

2.The writ petition has been filed under Article 226 of the Constitution of India seeking an order in the nature of Writ of Certiorarified Mandamus calling for the records of the third respondent bearing Allotment letter No.2/600500/2013/dated 21.08.2013 and quash the same and consequently direct the respondents to allot/regularize the allotment made in favour of the petitioner's son late R.Munirathinam bearing letter No.AL2/600500/2013, dated 02.05.2013 in respect of Flat No.L-02 in first floor in 56 LIG Flats at Indira Nagar Scheme, Chennai.

3. The first respondent has filed counter, wherein the respondent has not disputed the allotment made in favour of late R.Munirathinam and that a sum of Rs.2,47,000/- was paid by way of Pay Order dated 07.03.2013 by late Munirathinam. The petitioner herein submits that she being the mother of late Munirathinam, who died as bachelor, is entitled to claim as sole legal heir of the said deceased. It is not in dispute that the respondents have not returned the amount paid by late Munirathinam. It is also stated that the flat was also not allotted to any other person.

4. On the aforesaid circumstances, this Court finds it just and reasonable to meet the ends of jusice and direct the petitioner to approach the respondents for getting appropriate orders. The respondents, after verifying her legal heirship certificate and other supporting documents, shall pass appropriate orders as per rules, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above observations, this writ petition is disposed of. No order as to costs.

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-s/d-

Assistant Registrar()

Dt:16/2/2015

True Copy

Sub-Assistant Registrar

To

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

2. The Executive Engineer,
Tamil Nadu Housing Board,
Besant Nagar Division,
Besant Nagar,
Chennai-600 020.

3. The Superintendent
Tamil Nadu Housing Board,
Besant Nagar Division,
No.48, Muthulakshmi Salai,
Adayar,
Chennai-600 020.

+ 1 cc to Mr.S.Udayakumar, Advocate SR 5058

+ 1 cc to Mr.V.Anandhamurthy, Advocate SR 4938

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