

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.35206 of 2015

T.Jegannathan

...Petitioner

-Vs-

Tamil Nadu Slum Clearance
Board Rep. by its Chairman & Managing
Director No.5 Kamarajar Salai Chennai-5. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent to execute the sale deed in favour of the petitioner who is having as per the allotment order the right to enjoyment of concerned tenement.

For Petitioner : Mr.N.MeenakshiSundaram
For Respondents : Mr. S.Prabhu

O R D E R

The petitioner has filed this writ petition to direct the respondent to execute the sale deed in favour of the petitioner.

2. Petitioner's prayer is based on a representation given by the petitioner dated 22.1.2015. The earlier representations also were not considered and no orders were passed. Therefore, the petitioner filed an application under Right to Information Act for which he received a reply stating that there is a dispute as to the legal heir existing in respect of the said tenement and therefore, the petitioner's representation was not considered. The petitioner asserts that he is the only legal heir of his parents, Thiru. Thulukkanam (late) and Tmt late Kuppammal(late).

3. From the reply furnished under the Right to Information Act, it is not known as to on what basis the respondent came to a conclusion that there is rival claim. In any event, an order should have been passed in this regard after hearing the petitioner and affording opportunity to the petitioner and considering the documents produced by him. If there is a rival

claim, then the petitioner should be put on notice about the rival claim.

4. Since these aspects have not been taken into consideration, there will be a direction to the respondent to consider the representation of the petitioner dated 22.01.2015 to examine the documents produced by him after conducting an enquiry by affording an opportunity of personal hearing and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, Writ Petition is disposed of. No costs.

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-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

The Chairman and Managing Director.
Tamil Nadu Slum Clearance Board
No.5 Kamarajar Salai Chennai-5.

+ 2 ccs to Mr.Meenakshisundaram, Advocate SR 60474

+ 1 cc to Mr.Prabu, Advocate SR 60349

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