

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5212 of 2015

Ellammal

...Petitioner

Vs

The Chairman
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5

...Respondent

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to transfer the name in the allotment order in favour of the petitioner and the petitioner brother Marimuthu with respect to property situate at door no.139 plot no.55, S.S.Puram, B.Block, Purasaiwakkam, Chennai 7

For Petitioner :Ms.R.Poornima

For Respondent :Mr.R.V.Babu

O R D E R

Heard Ms.R.Poornima, learned counsel appearing for the petitioner and Mr.R.V.Babu, learned counsel appearing for the respondent. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The Petitioner seeks for a direction upon the respondent-board to transfer the name in the allotment order in favour of the petitioner and her brother Marimuthu in respect of the property situated at door no.139 plot no.55, S.S.Puram, B.Block, Purasaiwakkam, Chennai 7.

3. According to the petitioner her father was the allottee of the said property. Having been allotted the same vide order dated 1.8.1983, the petitioner would state that the petitioner's father was paying instalments and while so, he passed away on 22.10.1989. The petitioner's mother pre-deceased his father and since they do not obtain legal heir ship certificate within 5 years, they were compelled to go to civil court and filed O.S.No.583 of 2014 before

the City Civil Court, Chennai and by a Judgment and Decree dated 11.04.2014, the said Court directed the defendants namely, the District Collector, Chennai and Tahsildar, Purasai Perambur Circle, Chennai to issue legal heir ship certificate to the petitioner and her brother, who were the plaintiffs. Based on that legal heir-ship certificate, issued by the Tahsildar dated 23.07.2014, the petitioner and her brother submitted a representation.

4.In the light of the above facts, the respondent is directed to consider the petitioner's representation after issuing notice to the petitioner and her brother, Marimuthu within a period of eight weeks from the date of receipt of copy of this order.

With the above observation, this petition is disposed of. No costs.

Sd/-
Assistant Registrar
Dated:9.3.15

True Copy

Sub Assistant Registrar

To

The Chairman
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 5

+1 cc to M/s.R.Poornima, Advocate, SR.10878.

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krd 10/3

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