

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P.No.36997 of 2016

1.Tmt.V.Dhanammal

2.V.Rani

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Petitioners

Vs.

1.The Managing Director

Tamil Nadu Slum Clearance Board

No.5, Kamarajar Salai, Chepakkam

Chennai 600 005.

2.The Executive Officer

Tamil Nadu Slum Clearance Board

Division-IV, TP Chathiram,

Chennai.

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Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to issue Sale Deed in respect of the Flat No.241, Nehru Park, Anna Nagar Zone, Chennai 600 084, by receiving appropriate charges towards the same in the name of the petitioners based upon the representation dated 23.08.2016 given by the petitioners.

For Petitioners : Mr.A.Rajesh Kanna

For R1 and R2 : Mr.S.Prabhu, Standing Counsel

ORDER

Heard the learned counsel for the petitioner ;
and Mr.S.Prabhu, learned Standing Counsel accepting notice on behalf of
the respondents and with the consent on either side, the writ petitions
are taken up for final disposal.

2 The 1st petitioner is the wife of [late] Venkaiah and
the 2nd petitioner is her daughter. It is the case of the petitioners that
originally Flat No.241, Nehru Park, Poonamallee High Road, was allotted
in favour of the mother-in-law of the 1st petitioner, viz.,
Tmt.Sabalakondammal, W/o.Thiru Veeraragavalu and since the date of
allotment, she was in absolute possession and enjoyment of the said flat
and she has been paying the allotment charges to the respondents
regularly. It is the further case of the 1st petitioner that her husband
Venkaiah/son of Tmt.Sabalakondammal, died on 29.06.2013 and her
father-in-law pre-deceased Venkaiah. The mother-in-law of the
petitioner handed over the said flat to the petitioners by receiving sale
consideration and since then, the 1st petitioner has been paying the
requisite charges to the Board. The petitioners, vide representation
dated 23.08.2016 has sought for issuance of Sale Deed in favour of the

1st petitioner. Despite the receipt and acknowledgment of the same, the petitioners are yet to be favoured with any kind of response and hence, they are before this Court with the present writ petition.

3 The learned Standing Counsel appearing for the respondents would submit that the mother-in-law of the 1st petitioner has left the flat long back and that she is not suppose to sell the property to the petitioners and the same is in violation of the condition stipulated in the Allotment Order and hence, prays for dismissal of the writ petition.

4 Be that as it may, the 1st petitioner, who is a widow, seeks for transfer of allotment of the flat allotted by the Slum Clearance Board to her mother-in-law, who has also no objection for the same. Hence, this Court, in the light of the above facts and circumstances and without going into the merits of the claims projected by the petitioner, directs the respondents to consider and dispose of the petitioners' representation dated 23.08.2016 on merits and in accordance with law, after issuing notice to Tmt.Sabalakondammal, mother-in-law of the 1st

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AP

petitioner herein and after obtaining her consent in writing and pass appropriate orders within a period of four months from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to Tmt.Sabalakondammal.

5 The writ petition stands disposed of with the above direction. No costs.

24.10.2016

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To

- 1.The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chepakkam
Chennai 600 005.
- 2.The Executive Officer
Tamil Nadu Slum Clearance Board
Division-IV, TP Chathiram,
Chennai.

WP.No.36997/2016

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