

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.40791 of 2016
& W.M.P.No.34759 of 2016

B.Anwar Basha ... Petitioner

vs.

1.The Secretary to Government,
Tamilnadu Housing Board,
Fort St.George, Chennai - 600 009.

2.The Managing Director,
Tamilnadu Housing Board,
493, Anna Salai,
Nandanam, Chennai - 600 035.

3.The Executive Engineer,
Tamilnadu Housing Board,
Salem Division,
Ayanthirumaaligai, Salem - 636 008. ... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents in particular the third respondent to change the name of allotment of LIG Housing Flat Phase 2 with No.43 (L2/43) and land to a total extent of 988 sq.ft. Situated at Kondichetty Patti Village, Namakkal District, from that of Mehaboob Be to that of petitioner's name Anwar Basha based on the petitioner's representation dated 26.08.2016.

For Petitioner	:	Mr.N.S.Ziauddeen
For Respondent No.1	:	Mr.P.Chinnadurai
		Government Advocate
For Respondent Nos.2 & 3:		Mr.V.Anandamoorthy

O R D E R

Heard Mr.N.S.Ziauddeen, learned counsel for the petitioner, Mr.P.Chinnadurai, learned Government Advocate for the first respondent and Mr.V.Anandamoorthy, learned Senior Counsel for respondents 2 and 3, in the above writ petition. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal.

2.The petitioner's brother-in-law, namely, Mehaboob Basha was allotted a LIG Flat Phase 2 with No.43 (L2/43) and the land of total extent of 988 sq.ft. at Kondichetty Patti Village, Namakkal District. He died on 21.03.1998 while he was in service and the name of allotment changed from Mehaboob Basha to his wife / Mehaboob Bi, who is none other than the petitioner's own sister. Subsequently, she died on 22.09.2005. Thereafter, the petitioner made a representation to the respondents to change the name of allotment to his name but till date no action has been taken and hence, the Writ Petition has been filed.

3.Mr.N.S.Ziauddeen, learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed as expeditiously as possible.

4.Mr.P.Chinnadurai, learned Government Advocate for the first respondent has got no serious objection for directing the respondents, to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the respondents, to consider the representation of the petitioner, dated 26.08.2016 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

True copy/
Sub Assistant Registrar

To

1.The Secretary to Government,
Tamilnadu Housing Board,
Fort St.George, Chennai - 600 009.

2.The Managing Director,
Tamilnadu Housing Board,
493, Anna Salai,
Nandanam, Chennai - 600 035.

3.The Executive Engineer,
Tamilnadu Housing Board,
Salem Division,
Ayanthirumaaligai, Salem - 636 008.

+1cc to Mr.V.Anantha Moorthy, Advocate SR.No.68679

+1cc to Government Pelader SR.No.68514

+1cc to N.S.Ziauddeen, Advocate SR.No.68170

.P. No.40791 of 2016

SDR 30.12.2016

WEB COPY