

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6626 of 2016

L.Yogalakshmi

... Petitioner

Vs

The Chairman
Tamil Nadu Slum Clearance board,
Chennai-5.

2.The Managing Director
Tamil Nadu Slum Clearance board,
Chennai-5.

3.The Estate Officer
Tamil Nadu Slum Clearance board,
Ebrahim Sahib Salai,
Chennai-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the respondents to consider the petitioner's representation dated 01.02.2016.

For Petitioner : Mr.S.Deepika
For Respondents : Mr.R.V.Balu
for slum clearance Board.

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus to direct the respondents to consider the petitioner's representation dated 01.02.2016.

3.The petitioner submits that the residential Tenement bearing No.112 of Tamil Nadu Slum Clearance Board situated at Parthasarathy Nagar, Old Washermenpet, Chennai-21 was originally allotted in the names of her father-in-law and mother-in-law i.e, A.D.Kamalanathan and Chokkammal. The respondents have also executed a sale deed in favour of

petitioner's father-in-law and mother-in-law vide document No.4123 of 2004 on the file of Sub Registrar, Royapuram.

4.During the life time of petitioner's father-in-law and mother-in-law, they jointly executed a power of attorney dated 12.09.2005 in Document No.2668 of 2005 on the file of Sub Registrar, North Chennai in favour of the petitioner's husband to deal with the property. The petitioner's father in law died on 28.02.2006, leaving behind his wife/Chokammal, Loganathan/husband of the petitioner, Renuga and Rani as the legal heirs.

5.Subsequently, after the death of petitioner's father in law, the mother in law has executed a settlement deed dated 25.06.2007 vide document No.2118 of 2007 on the file of the Sub Registrar, Royapuram, settling the above said slum board tenement in favour of the petitioner's husband.

6.The petitioner submits that she is carrying on the business of Cable TV service and taking care of three children and the mother in law, till her lifetime. The petitioner was paying monthly maintenance to her mother in law and she died on 19.10.2015.

7.In the meanwhile, the above stated allotment portions have become deteriorated by wear and tear and the same were demolished, the many allottees sold/left the tenements and the same was occupied by the purchasers/legal heirs/tenants/third parties etc., the respondents have demolished and reconstructed the slum board tenements and reallocated the same in favour of the beneficiaries. In pursuant to the settlement deed executed by the mother in law in favour of the petitioner's husband, by virtue of his demise of petitioner's husband, the petitioner and her children have acquired the title whatsoever in respect of the tenement No.112.

8.The petitioner submitted her representation dated 01.02.2016 with the respondents requesting them to reallocate the above said tenement in her favour, the petitioner has also appeared before the respondents on 01.02.2016 and 19.02.2016, the said representation was not considered till date and the respondents are giving evasive replies. Hence, the petitioner filed the present writ petition.

9.Heard the submissions of learned counsel appearing for the petitioner and the learned standing counsel for Slum Clearance Board who accepts notice on behalf of the respondents.

10.Considering the facts and circumstances and without going into the merits of the same, this Court directs the second respondent to consider the petitioner's representation dated 01.02.2016, on merits and in accordance with law, within a period of twelve weeks, from the date of receipt of a copy

of this order, it is for the second respondent to decide the issue, after affording opportunity of personal hearing to the petitioner as well as the legal heirs of petitioner's parents in law, namely, Renuga and Rani and to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

11.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Chairman
Tamil Nadu Slum Clearance board,
Chennai-5.

2.The Managing Director
Tamil Nadu Slum Clearance board,
Chennai-5.

3.The Estate Officer
Tamil Nadu Slum Clearance board,
Ebrahim Sahib Salai,
Chennai-1.

+1cc to Mrs. S. Deepika, Advocate, S.R.No.13937

CNR(CO)
EU(23/0132016)

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