

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9478 of 2016

S.Neelavathi

... Petitioner

Vs.

1. The Managing Director cum Chairman,
Tamilnadu Housing Board,
Nandanam, Chennai-35.
 2. The Administrative Engineer,
Tamilnadu Housing Board,
Sites and Services Scheme Division-3,
Anna Nagar, Chennai-101.
 3. The Executive Engineer cum
Administrative Officer,
Tamilnadu Housing Board,
Anna Nagar, Chennai-101.
- Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to dispose of the petitioner's representation dated 29.1.2016 by executing the sale deed in favour of the legal heirs of the petitioner's husband P.Subramani pursuant to the allotment in KGPH- II2/4500/84, dated - July 1985, in respect of the house site measuring of 468 sq.ft. vide Plot No.731, in Survey No.100/3B1 Part, Kodungaiyur Village, Fort Tondiarpet Taluk.

For Petitioner : Mr.Ravichandran Sundaresan

For Respondents : Mr.V.Anantha Murthy,
TNHB

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to dispose of her representation dated 29.1.2016 by executing the sale deed in favour of the legal heirs of her husband P.Subramani pursuant to the allotment in KGPH- II2/4500/84, dated - July 1985, in respect of the house site measuring to an extent of 468 sq.ft. vide Plot No.731, in Survey No.100/3B1 Part, Kodungaiyur Village, Fort Tondiarpet Taluk.

3. It is the case of the petitioner that by the proceedings of the respondents in KGPH- II2/4500/84, dated - July 1985, a house site measuring to an extent of 468 sq.ft. vide Plot No.731, in Survey No.100/3B1 Part, Kodungaiyur Village, Fort Tondiarpet Taluk, Chennai was allotted to her husband P.Subramani. After allotment, the respondents have handed over the vacant possession of the said house site to her husband. Before execution of the sale deed by the respondents, her husband died on 3.9.2010 leaving behind herself, her son and daughter and one Anjanapriya and Gomatheeswaran, the legal heirs of her deceased son Prabakaran. During his life time, the petitioner's husband paid the entire cost of the plot to the Tamil Nadu Housing board. In spite of the same, the Tamil Nadu Housing Board has not executed the sale deed in his favour till his demise. After the death of her husband, the petitioner approached the respondents several times requesting them to execute the sale deed in favour of the legal heirs of her husband. But, the respondents, for the reasons best known to them, have not come forward to execute the sale deed. Hence, finally, the petitioner made a representation dated 29.1.2016 to the respondents to execute the sale deed. Since the same was also not considered, the petitioner has come forward with the present writ petition seeking a direction to the respondents to execute a sale deed in favour of the legal heirs of her husband P.Subramani pursuant to the allotment in KGPH- II2/4500/84, dated - July 1985, in respect of the house site measuring to an extent of 468 sq.ft. vide Plot No.731, in Survey No.100/3B1 Part, Kodungaiyur Village, Fort Tondiarpet Taluk.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the Tamil Nadu Housing Board.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Court directs the petitioner to send a copy of the representation dated 29.1.2016 along with a copy of this order to the third respondent, within a period of one week from the

date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the same and pass appropriate orders / take necessary action on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Managing Director cum Chairman,
Tamilnadu Housing Board,
Nandanam, Chennai-35.
2. The Administrative Engineer,
Tamilnadu Housing Board,
Sites and Services Scheme Division-3,
Anna Nagar, Chennai-101.
3. The Executive Engineer cum
Administrative Officer,
Tamilnadu Housing Board,
Anna Nagar, Chennai-101.

+1cc to Mr.V.Anantha Murthy, Advocate, S.R.No.16609

+1cc to Mr.Ravichandran Sundaresan, Advocate, S.R.No.16522

W.P.No.9478 of 2016

UG(CO)
CA(18/03/2016)

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