

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.852 of 2017

and W.M.P.No.875 of 2017

A.Ravindran

... Petitioner

Versus

1.The Chairman
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

2.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

3.The Secretary
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

4.The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

5.E.Chandru

6.Satish

7.Shobi

8.A.Mani Ezhilan

9.R.Malavizhi

10.Ezhilarasi

11.Prithiviraj

... Respondents

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Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 24.12.2016 and further direct the respondents 1 to 4 to transfer the allotment to the petitioner's name for the property situated in S.No.126/12, Nochikuppam, Mylapore, Chennai, from the name of his deceased mother Kokila.

For Petitioner : Mr.A.Gouthaman

For Respondents 1 to 4 : Mr.B.Kesavan

For Respondents 5 to 11 : No appearance

O R D E R

By consent, this writ petition is taken up for final disposal.

2.The petitioner would state that the respondents 1 to 4 had allotted a house situated in S.No.126/112, Nochikuppam, Mylapore, Chennai in favour of his deceased mother Kokila. After her demise, respondents 1 to 4 have asked to vacate the premises on an undertaking that they will demolish the existing building and would construct new buildings and will allot the same to the earlier allottees. According to the petitioner, the deceased kokila has three sons and two daughters including the petitioner. Whiles, the deceased mother had executed an undertaking affidavit dated 08.05.2012 stating that she has no objection to transfer the allotment of property stood in her name to his son A.Ravindran, the petitioner herein. The petitioner would further submit that the construction works were over and the respondents are going to handover the possession to the allottees. Whiles, the petitioner's brother namely Mani Ezhilan, the eighth respondent herein had also submitted an application to get transfer of the allotment standing in the name of his mother, deceased Kokila. According to the petitioner, none of his brother and sisters except the eighth respondent has no objection to transfer the allotment in favour of the petitioner. But, the eighth respondent, by suppressing the fact that he has already got an allotment in the name of his son, who is a eleventh respondent herein is trying to transfer the allotment in his name. In this regard, the petitioner has sent a representation to the respondents 1 to 4 alongwith the affidavit of undertaking by his mother. Since no action have been taken by the respondent 1 to 4, the petitioner has come

forward to file this writ petition.

3. Heard the submission of Mr.A.Gouthaman, learned counsel appearing on behalf of the petitioner and Mr.B.Kesavan, learned counsel appearing on behalf of the respondents 1 to 4.

4.The learned counsel for the respondents 1 to 4, brought to the notice of this Court that by a communication dated 09.02.2017 in Na.Ka.No.G6/13527/2016, the Tamil Nadu Slum Clearance Board has asked the petitioner to produce necessary documents for re-allotment on the basis of legal heir certificate.

5.Considering the facts and circumstances of the case, this Court directs the petitioner to produce the death certificate of his mother Kokila and legal heir certificate before the appropriate authority and the Tamil Nadu Slum Clearance Board, upon receipt of the documents shall afford an opportunity to the petitioner after giving due notice to the necessary parties and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

सत्यमेव जयते

To

1.The Chairman
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

2.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

3.The Secretary
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

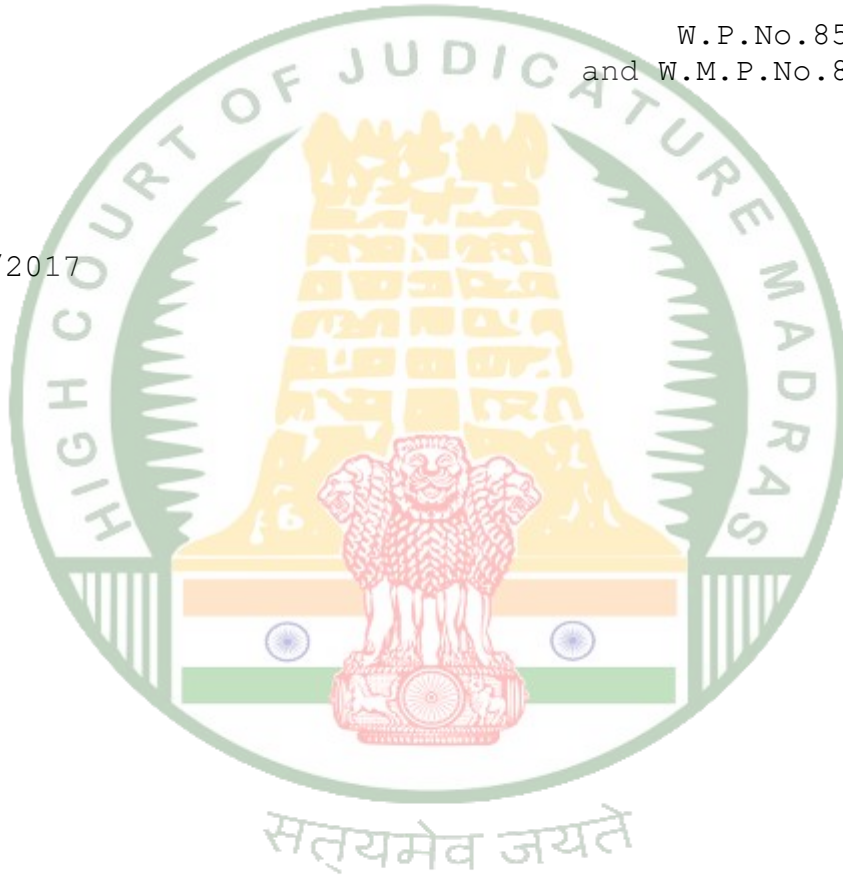
4.The Assistant Secretary,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai.

+ 1 cc to Mr.A.Gouthaman, Advocate Sr.No.18177

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CA (CO)

RRI 19/04/2017



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