

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16248 of 2016
and W.M.P.No.14043 of 2016

1. Rukmani
2. Pakkiri

.. Petitioners

vs.

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

Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to transfer the allotment of Plot No.92, Jothiammal Nagar, Alandur Road, Saidapet, Chennai - 15 from Gangapatla Poliah, in favour of the petitioners on their representation dated 25.01.2016 consequently grant absolute Sale Deed.

For Petitioner : Mr.G.Appavu
For Respondent : Ms.D.Latha

ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondent to transfer the allotment of Plot No.92, Jothiammal Nagar, Alandur Road, Saidapet, Chennai - 15 from Gangapatla Poliah in favour of the petitioners on their representation dated 25.01.2016 and to grant absolute Sale Deed.

2. According to the petitioners, the said Plot No.92 was allotted in favour of their father, viz., Gangapatla Poliah and he had been paying land tax to the respondent. He was employed as Kalasi in Southern Railway and died on 07.10.1986. Subsequently, the petitioner's brother, viz., Durai was appointed on compassionate ground and he died on 19.12.2014 leaving behind his wife, viz., Sarojjammal, son, viz., Suresh Babu and daughter viz., Arunakumari as his legal heirs and they are entitled to succeed the estate of the deceased Durai.

According to the petitioners, the petitioners and the said Sarojammal, who is the wife of the deceased Durai are the only surviving legal heirs of the deceased Gangapatla Poliah and they had been enjoying the property peacefully and paying the land tax to the respondent. In the meanwhile, the petitioners had applied for legal Heirship certificate to the Tahsildar and on enquiry, the Legal Heirship Certificate was issued on 25.09.2015. Thereafter, all the legal heirs had given a joint representation dated 25.01.2016 to the respondent requesting them to allot the property in question in their names by way of transfer. But till date, the respondent has not considered the same. Hence, the petitioners are before this Court.

3. Heard Mr.G.Appavu, learned counsel for the petitioner and Ms.D.Latha, learned counsel for the respondent.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the respondent to consider the petitioners' representation dated 25.01.2016 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioners as well as the persons interested in this regard and also affording them an opportunity of personal hearing, on or before 31.05.2019.

5. With the above direction, the Writ Petition is disposed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn
To

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

+1cc to Mr.G.Appavu, Advocate, S.R.No.38713
+1cc to Ms.D.Latha, Advocate, S.R.No.38676

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AD(CO)
CS/29/04/2019