



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.4699 of 2014

and

M.P.Nos.1 and 3 of 2014

1.Rajan

2.Pushparani

..Petitioners

Vs

1.The Chairman,  
Tamil Nadu Slum Clearance Board,  
No.5, Kamarajar Salai,  
Chennai - 600 005.

2.Goutham

3.Minor.Vasanth Kumar

4.Minor.Swetha

(Represented by their Grandmother

Mrs.Omakanni)

.. Respondents

[R2 to R4 impleaded as per order of this  
Court dated 26.09.2018 in MP.No.2 of 2014  
in W.P.No.4699 of 2014]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus, directing the respondent board to effect name transfer in the name of the petitioners for the plot No.76, Salaima Nagar Scheme undertaken by the Respondent Board.

For Petitioners : Mr.M.Balasubramanian

For Respondents : Mr.S.Prabhu  
Standing Counsel for R1  
No appearance for R2 to R4

O R D E R

Heard Mr.M.Balasubramanian, learned counsel for the petitioners, Mr.S.Prabhu, learned Standing Counsel for the first respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of writ of mandamus, directing the first respondent Board to effect name transfer in the name of the petitioners in respect of Plot No.76, Salaima Nagar Scheme, undertaken by the first respondent Board.



3. According to the petitioners, their father Eskin was resided at Plot No.76 in Salaima Nagar Scheme. The respondent Board after following the procedures prescribed under the Act has enumerated the eligible list for the purpose of allotment and the name of the petitioners' father was also found in the eligible list. However, he died on 13.04.1986 and thereafter, the petitioners gave a representation to the first respondent seeking name transfer. Since there was no response from the first respondent, the present writ petition.

4. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioners.

5. The learned Standing Counsel appearing for the first respondent would submit that it is true that the name of the petitioners' father was found in the eligible list and before allotment, he passed away and thereafter, the petitioners produced two legal heir certificates and later it was found out that one certificate was incorrect. The learned counsel further submitted that if the petitioners are able to produce all the necessary documents, the first respondent is ready and willing to consider the same in accordance with law.

6. In the light of the limited scope of prayer sought for in this writ petition and the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioners to give fresh representation to the first respondent, by enclosing all necessary documents, within a period of four weeks from the date of receipt of a copy of this order. On such compliance, the first respondent shall consider the same and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of personal hearing to all necessary parties, within a period of eight weeks therefrom.

7. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//  
Sub Assistant Registrar

ms



To

The Chairman,  
Tamil Nadu Slum Clearance Board,  
No.5, Kamarajar Salai,  
Chennai - 600 005.

+1cc to Mr.M.Balasubramanian, Advocate, S.R.No.58767

+1cc to Mr.S.Prabhu, Advocate, S.R.No.59318

W.P.No.4699 of 2014  
and  
M.P.Nos.1 and 3 of 2014

KS (CO)

RRS (27/08/2019)