

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 18890 of 2019
and
W.M.P. No. 18255 of 2019

A. Chellappa

... Petitioner

Vs.

The Executive Engineer cum
Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
Chennai - 600 035.

... Respondent

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the Impugned Notice dated 17.05.2019 of the Letter No. N.T.R.11/519/2017, issued on a dead person and quash the said notice constantly the petitioner may be permitted to stay as a tenant in Flat No.21, Cox Square, Chintadripet, Chennai - 600 002, on payment of rents.

For Petitioner : Mr. K. Radhakrishnan

For Respondent : Mr. R. Bharath Kumar

O R D E R

The Writ Petition has been filed challenging the impugned notice No. N.T.R.11/519/2017 dated 17.05.2019 issued on a dead person and quash the said notice and permit the Petitioner to stay as a tenant in Flat No. 21, Cox Square, Chintadripet, Chennai - 600 002, on payment of rents.

2. The sister of the Petitioner, viz., Kalyani, was allotted Flat No. 21 at Cox Square, Chintadripet, Chennai - 600 002 on rental basis by letter No. NDA3/3100/88 dated 07.09.1988 issued by the Respondent. According to the Petitioner, the said Kalyani died as a spinster on 25.12.2018 and that he lived along with her in the said flat till her death and continues to be in occupation of the same now. The Petitioner has received an order

No. N.T.R.11/519/2017 dated 17.05.2019 from the Respondent addressed to the said Kalyani stating that the allotment stands cancelled after the lapse of 6 months from the date of her death. The said order is challenged in this Writ Petition on the ground that it has been issued to the dead person, and for consequential direction to permit the Petitioner to continue to stay as tenant on payment of rent in the same flat.

3. There is considerable force in the contention of the Petitioner that the notice issued to a dead person is a nullity and accordingly, this Court has to necessarily set aside the same. However, it is left open to the Respondent to take necessary action in accordance with law against the persons in occupation of the flat allotted to the said Kalyani and no view has been expressed by this Court on the correctness or entitlement of the claim made by the Petitioner in that regard.

4. The Writ Petition is disposed of on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

The Executive Engineer cum
Administrative Officer,
Nandanam Division,
Tamil Nadu Housing Board,
Chennai - 600 035.

+1cc to Mr. K. Radhakrishnan, Advocate sr.57534

+1cc to Mr. R. Bharath Kumar, Advocate sr.57931

W.P. No. 18890 of 2019
and

W.M.P. No. 18255 of 2019

nr(co)
nr 19/08/2019