



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.5069 of 2019

S.Usha Murugeswar

... Petitioner

Vs

1.The Manager (Marketing and Services),  
O/o The Executive Engineer and Administrative Officer,  
Tamilnadu Housing Board,  
Thanjavur District.

2.The District Collector,  
Thanjavur District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the second respondent bearing Na.Ka.No.1530/2017/N2, dated 20.06.2018, quash the same and consequently, direct the respondents to release the documents in respect of the HIG House II-247 in the first respondent's Thanjavur Housing Boards House at the Tamil University, Campus within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.Siva Ilayaraja  
For R1 : Mr.K.Janarthanan

For R2 : Mr.R.Sethuraman  
Special Government Pleader

**ORDER**

The writ petitioner wanted the second respondent to issue the legal heir certificate certifying that he is the sole legal heir of her brother K.P.S.Arulvadivelan. The said K.P.S.Arulvadivelan was allotted a house by the Tamil Nadu Housing Board. Unless the petitioner is able to produce the legal heir certificate, the first respondent would not transfer the said property in favour of the writ petitioner. The petitioner moved the second respondent. The second respondent relegated the petitioner to move the Civil Court. The said order is under challenge in this writ petition.

2.The writ petitioner essentially seeks to succeed to the property left behind her brother K.P.S.Arulvadivelan.

3.As rightly observed by the second respondent, the petitioner must file succession O.P for succeeding to her brother's property.



4. While exercising the writ jurisdiction, I am not in a position to go into the factual aspects. This Court cannot mechanically go by some of the observations made in favour of the writ petitioner in the impugned order. These matters will have to be agitated only before the Civil Court. Keeping intact, the petitioner's right to move the Civil Court to obtain relief, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

rmi

To

The District Collector,  
Thanjavur District.

+1CC TO MR.S.Siva Ilayaraja, Advocate Sr. No. 51628

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 51698

W.P. (MD) No. 5069 of 2019  
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TR (28.03.2019) 2P 4C