

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.21698 of 2013

L.Logeshwari

.. Petitioner

Vs.

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

2.The Executive Engineer
Estate Office No.5,
Tamil Nadu Slum Clearance Board
Behind P4 Police Station
Demalace Road, Pulianthope
Chennai - 600 012

3.The Estate Officer
Estate Office No.5,
Tamil Nadu Slum Clearance Board
Behind P4 Police Station
Demalace Road, Pulianthope
Chennai - 600 012

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representations of the petitioner dated 19.12.2011 and 19.7.2013.

For Petitioner : Mr.C.Jayaprakash
For Respondents 1 to 3 : Mrs.D.Latha

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representations of the petitioner dated 19.12.2011 and 19.7.2013.

2. The case of the petitioner is that, the property measuring an extent of 1200 sq.ft., situate at V.P.N. Colony, 3rd Street, Kannigapuram, Chennai - 600 012, was allotted to petitioner's grandmother Kuppammal in 1959 by the Tamil Nadu Slum Clearance Board. After her death, the same was in absolute possession and enjoyment of her father Loganathan. According to the petitioner, her father had two wives. Through the first wife Sundari, he had two sons and two daughters. Since the first wife deserted from matrimonial home, petitioner's father married the mother of the petitioner Laxmi in the year 1982 and out of their wedlock, the petitioner was born on 7.3.1983.

3. According to the petitioner, the children born through the first wife of her father, were given with parental care by petitioner's mother and she solemnized their marriage. It is the further submission of the petitioner that her father died intestate due to harness on 16.9.2007, leaving behind 2 sons and 2 daughters, born through the first wife, petitioner and her mother as his legal heirs. After the death of her father, they were all residing in the subject property in separate portions along with their family.

4. It is the further submission of the petitioner that the elder son of her father, namely Velu, with an intention to grab the entire property through various means, interfered with petitioner's peaceful possession and made attempts to evict her from the said property. Hence the petitioner filed a suit in O.S. No.8915 of 2011 on the file of XVIII Assistant City Civil Court, Chennai, praying for a permanent injunction restraining him from interfering with her peaceful possession and enjoyment of the property and the suit is pending.

5. It is the further submission of the petitioner that the said Velu has been taking steps to execute a sale deed in his favour in respect of the subject property and hence the petitioner has sent a representation dated 19.12.2011 to the respondents, requesting them to make allotment and execute a sale deed to her and her mother by fixing the amount in respect their portion in the subject property, as their share, after conducting proper enquiry.

6. It is the further submission of the petitioner that her father was living with them in one of the portions in the subject property. If no allotment is made in respect of their portion, they will be thrown to street. Hence she made another representation dated 19.07.2013 to the respondents to allot their respective share. As no response was evinced from them, the petitioner has approached this court by way of this writ petition.

7. Heard both sides and perused the materials available on record.

8. Though the petitioner has not made the other legal representatives as parties to the proceedings, as directed by this court, the names and addresses of the step sisters and step brothers of the petitioner, were furnished to the learned counsel for the respondent.

9. Hence, 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 case, directs the respondents to consider petitioner's representations dated 19.12.2011 and 19.7.2013 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner, as well as other siblings and by affording an opportunity of personal hearing to the concerned parties or otherwise considering their written objections and after verifying the relevant documents, within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above directions, this writ petition stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

Asr

To

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

2.The Executive Engineer
Estate Office No.5,
Tamil Nadu Slum Clearance Board
Behind P4 Police Station
Demalace Road, Pulianthope
Chennai - 600 012

3.The Estate Officer
Estate Office No.5,
Tamil Nadu Slum Clearance Board
Behind P4 Police Station
Demalace Road, Pulianthope
Chennai - 600 012

W.P.No.21698 of 2013

br(co)
aa29/07/2020



WEB COPY