

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.23206 of 2015
(Heard Through VC)

P.Vasanth

.. Petitioner

vs.

- 1.The Tamilnadu Slum Clearance Board,
Rep. by its Secretary,
No.5, Kamarajar Salai, Chennai 600 005.
- 2.The Estate Officer Estate
Office - IV Tamilnadu Slum Clearance Board
Commercial Complex Teynampet Chennai - 18
3. M.Raja
4. S.Ammu
5. M.Vennila
6. K.Vijaya
7. K.Manimudi
8. K.Mahadevi
9. K.Devaki
10. M.Sriram
11. M.Sridevi
12. Minor M.Sridhar,
Represented by his natural guardian
father Mr.Murugan.
13. Murugan
14. R.Pappitha
15. R.Pavithra
16. R.Lallikishore
17. R.Meena

(Respondents 10 to 17 are impleaded
as per order of this Court dated 22.07.2020
in W.M.P.No.2223 of 2019 in W.P.No.23206 of 2015) ..Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the 1st and 2nd respondent to induct the petitioner
and other legal heirs such as 3 to 9th respondents as joint
owner in the allotment order in Se.Mu.No.30527/2001 dated

15.03.2001 of the Plot No.111 D/No. 58 Kamarajar Colony
Kodambakkam Chennai.

For Petitioner : Mr.V.Vijayakumar

For Respondents-1&2 : Mr.R.Sivakumar

For Respondents-3 to 5: Mr.N.Raja-NA

For Respondents-6 to 9: Ms.R.Pachiammal-NA

ORDER

The petitioner has sought for a direction to the respondents 1 and 2 to induct the petitioner and other legal heirs as joint owners in the allotment order in Se.Mu.No.30527/2001 dated 15.03.2001 of the Plot No.111 D/No. 58 Kamarajar Colony Kodambakkam Chennai.

2. The petitioner has stated that one Mrs.Kullapattu was the original allottee of Plot No.111 D/No. 58 Kamarajar Colony, Kodambakkam, Chennai and she died on 16.04.1983, leaving behind her mother and father as the heirs of her estate. Her husband, viz., Munusamy also died on 01.10.1983 leaving behind five children, viz., Kannan, Vasantha/petitioner, Raja, Ammu and Vennila/respondents 3 to 5. The above said Kannan and Raja leaving out the other legal heirs had got the allotment transferred in their names on 15.03.2001. While transferring the allotment to their names, the other legal heirs names were not considered by the respondents 1 and 2. Therefore, a representation was sent to the respondents 1 and 2 on 11.11.2011 and a Writ Petition in W.P.No.28494 of 2011 was filed seeking a direction to consider the petition and the rights of the legal heirs of the deceased Kullapattu and Munusamy and to induct them as legal heirs in the allotment order issued on 15.03.2001. The said Writ Petition was allowed on 18.04.2012 directing the authorities to include the names of the daughters also.

3. Aggrieved by the said order, a Writ Appeal in W.A.No.1470 of 2013 was also filed by the legal heirs of the deceased Kannan. On the date of filing of the Writ Petition, it is stated that the said Kannan was not alive, but an order was passed by a Division Bench of this court on 19.12.2013 giving liberty to the writ petitioner to file a fresh Writ Petition by arraying all the necessary parties including the legal heirs of the deceased Kannan as parties to the proceedings and set aside the earlier order passed in W.P.No.28494 of 2011. Hence, the present Writ Petition is filed seeking a direction to the respondents 1 and 2 to induct the petitioner and other legal

heirs, who have been shown as respondents 3 to 9. Pending writ petition, the third respondent, namely Raja and the fifth respondent, namely Vennila, died on 18.10.2016 and 20.10.2017 respectively. Therefore, their legal heirs have been impleaded as respondents 10 to 13 and respondents 14 to 17 respectively.

4. While so, in the counter affidavit filed by the respondents 1 and 2, it is stated that the Slum Clearance Board is willing to transfer the allotment order in the names of the legal heirs, subject to production of death certificate and legal heirs certificate affirming that the claimants are the only legal heirs.

5. In view of the above, the legal heirs of the deceased Kullapattu and Munusamy, who are the petitioner and respondents 3 to 17, are directed to approach the respondents 1 and 2, within a period of two weeks from the date of receipt of a copy of this order, with all relevant documents to establish their right as legal heirs. On receipt of the said documents, the respondents 1 and 2 are directed to consider the same on merits and effect the transfer of the allotment in their respective names. The said exercise shall be completed by the respondents 1 and 2 within a period of four weeks from the date of receipt of the particulars from the claimants.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Asr/srn

To

- 1 The Secretary,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai 600 005.
- 2 The Estate Officer Estate
Office - IV Tamilnadu Slum Clearance Board
Commercial Complex Teynampet Chennai - 18

+lcc to Mr.V.Vijayakumar, Advocate SR.No.25088

W.P.No.23206 of 2015

LN(CO)

GMV(03/08/2020)