

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.21051 of 2018

M.Balaji

...Petitioner

Vs.

1.The State of Tamil Nadu,
Secretary to Government,
Department of Housing and Urban Development,
Fort St.George,
Chennai .

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

3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Zone-3, Vyasarpadi,
Chennai - 600 039.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to consider the representation dated 09.05.2018 and consequently, allot and give possession of the house bearing Door No.A43, Moorthinger Street, Vyasarpadi, Chennai - 600 039 to the petitioner herein.

For Petitioner : M/s. Nathan and Associates

For Respondents: Mr.M.D.Ilayaraja,
Government Advocate for R1
Mr.S.Prabhu,
Standing Counsel for R2 and R3

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. This Writ Petition is filed for a Mandamus to direct the 2nd respondent to consider the representation dated

09.05.2018 and consequently, allot and give possession of the house bearing Door No.A43, Moorthinger Street, Vyasarpadi, Chennai - 600 039 to the petitioner herein.

3. The case of the petitioner in short is as follows:

His father was allotted house No.A43, Moorthinger Street, Vyasarpadi, Chennai - 600 039. It is further stated that possession was also handed over to the petitioner's father. It is stated that the petitioner's father died on 26.07.2014. Thereafter, the petitioner made representation for changing the name of allotment in favour of the petitioner. One such representation of the petitioner made on 09.05.2018, has not been considered so far. Therefore, the present writ petition is filed before this Court.

4. Upon hearing the learned counsel for the petitioner and the learned counsel appearing for the respondent Board, this Court is of the view that it is for the 2nd respondent to consider the request of the petitioner and pass orders on the same on merits and in accordance with law after hearing all the necessary parties. If there are more than one legal heir of the deceased, the 2nd respondent will hear all the legal heirs and thereafter, pass appropriate orders accordingly.

5. Therefore, this Writ Petition is disposed of by directing the 2nd respondent to consider the representation of the petitioner dated 09.05.2018 and pass orders on the same on merits and in accordance with law after hearing all the necessary parties within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Secretary to Government,
Department of Housing and Urban Development,
Fort St. George,
Chennai .

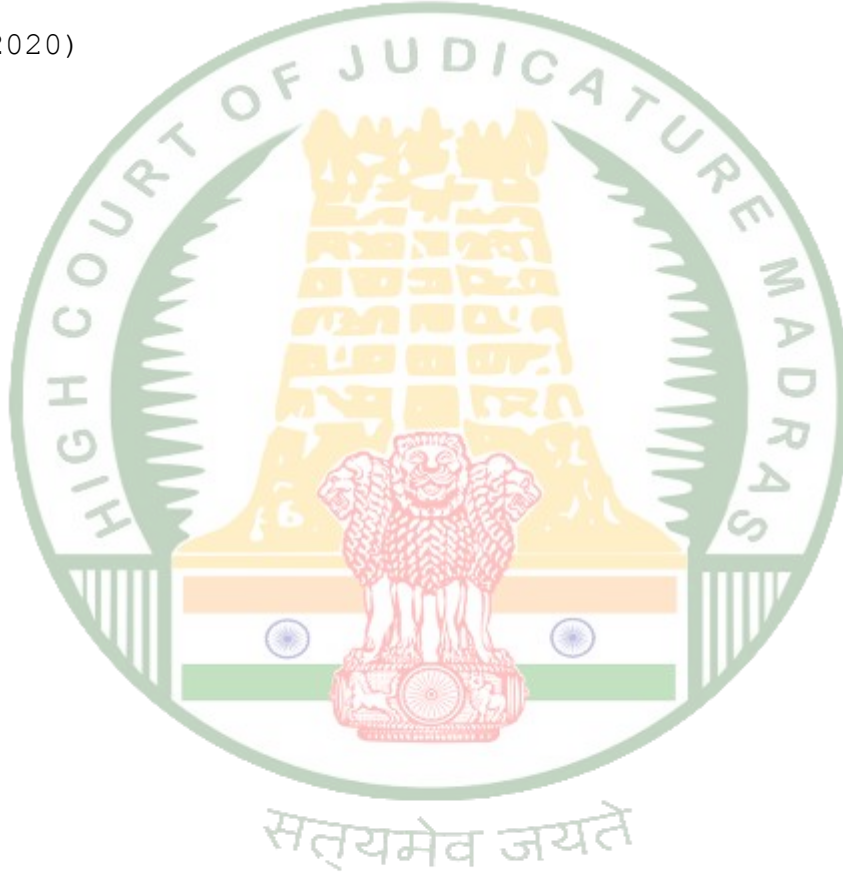
2. The Chairman,
Tamil Nadu slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk,
Chennai - 600 005.

3. The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Zone-3, Vyasarpadi,
Chennai - 600 039.

+1 CC to Mr.S.Prabhu, Advocate sr 33919
+1 CC to The Govt. Pleader sr 33893.

W.P.No.21051 of 2018

RP(CO)
SP(11/11/2020)



WEB COPY