

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.9491 of 2020

K.Madhusudhan

...Petitioner

Vs.

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

...Respondent

Prayer :Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the respondent herein to issue sale deed in the name of Kasthuri, w/o late P.Kannan and K.Madhusudhan, s/o late P.Kannan, as per the Will and probate judgment and decree dated 27.08.2019 pertaining to the property allotted by the respondent herein to late P.Kannan, vide allotment order dated 17.09.2004 in Na.Ka.En.E-3/7089/04, to the extent of 212.25 mts comprised in Ts.No./Rs No.4436/196 Block No.98, situate at Plot No.44, Bharathi Nagar, Chinnakarakuttai, Mylapore, Triplicane Taluk, Mylapore Village, Mandavelipakkam, Chennai 600 028 based on the representation dated 18.03.2020.

For Petitioner : Mr.Vimal B.Crimson
For Respondents : Mrs.D.Latha

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 respondent herein to issue sale deed in the name of Kasthuri, w/o late P.Kannan and K.Madhusudhan, s/o late P.Kannan, as per the Will and probate judgment and decree dated 27.08.2019 pertaining to the property allotted by the respondent herein to late P.Kannan, vide allotment order dated 17.09.2004 in Na.Ka.En.E-3/7089/04, to the extent of 212.25 mts comprised in Ts.No./Rs No.4436/196 Block No.98, situate at Plot No.44, Bharathi Nagar, Chinnakarakuttai, Mylapore, Triplicane Taluk, Mylapore Village, Mandavelipakkam, Chennai 600 028 based on the representation dated 18.03.2020.

3. It is stated that the petitioner's father viz., P.Kannan was allotted the subject matter property by the Tamil Nadu Slum Clearance Board on 17.09.2004 and he was given permission to put up construction therein. It is further stated that the petitioner's father executed a will on 24.08.2009, bequeathing the above allotted property in favour of the petitioner and his mother and that after his death the said Will got probated by this Court in O.P.No.392 of 2019 dated 27.08.2019. Based on the said Will, the petitioner approached the respondent and filed a representation on 18.03.2020, for issuing the sale deed in favour of the petitioner and his mother. Since the said request has not been considered so far, the present writ petition is filed with the relief as stated supra.

4. It is stated by the learned counsel appearing for the Tamil Nadu Slum Clearance Board that the petitioner has not produced any material documents before the respondent Board and therefore, the said representation of the petitioner has not been considered so far.

5. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, since the representation filed by the petitioner before the respondent is still pending and therefore, it is for the respondent to pass orders on the said representation on merits and in accordance with law after considering all the documents filed by the petitioner.

6. Thus, this Writ Petition is disposed of, by directing the respondent to pass orders on the petitioner's representation dated 18.03.2020 on merits and in accordance with law, after giving due opportunity of hearing and also perusing all the material documents as well as by hearing all the interested parties. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

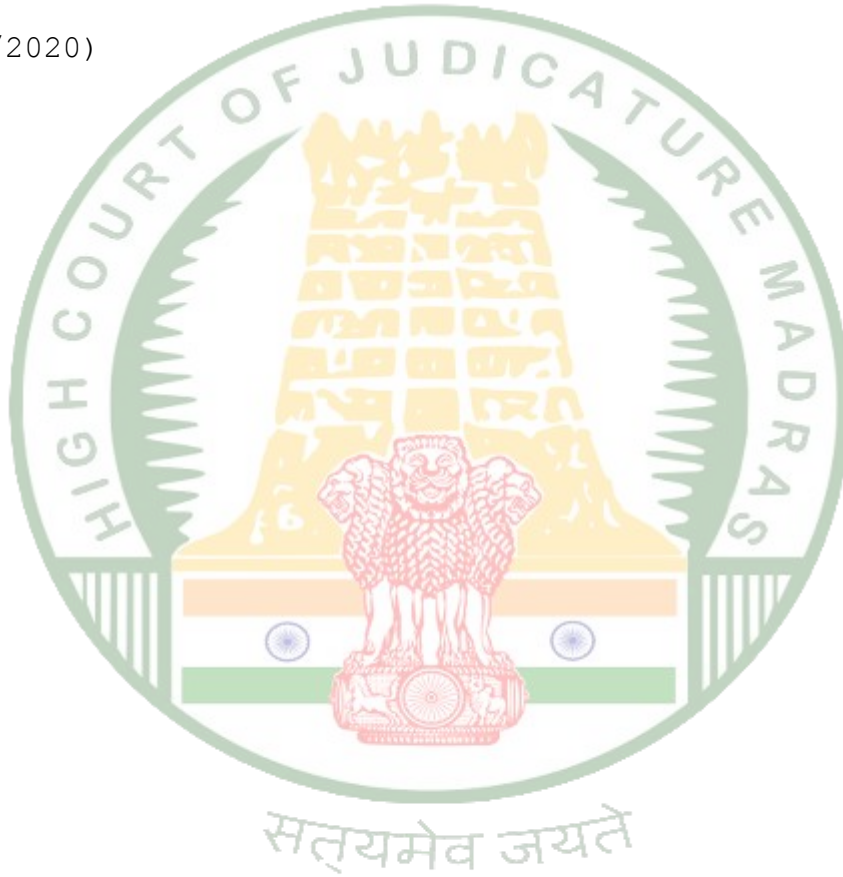
To

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

+1cc to Mr.Vimal B Crimosan (SR.28236)

W.P.No.9491 of 2020

KK (CO)
RV (10/09/2020)



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