

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.33730 of 2019

T.Pattammal

... Petitioner

Vs.

1. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chennai - 600 005.
2. The Assistant Secretary-Plot (South)
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai, Chennai - 600 005.
3. T.Vijaya
4. T.Babu
5. T.Arumugam
6. T.Selvaraj

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and pass order on the representation given by the petitioner dated 27.02.2019 for transfer of name for the property situated at Plot No.169, Duramani Salai, Cholan Nagar, Planning Division, Palavakkam, Chennai - 600 041 in the name of the petitioner.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mrs.D.Latha, Standing Counsel (For R1&R2)
R4-R6 - No appearance
R3 - Insufficient Address

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O R D E R

This writ petition has been filed for mandamus directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation on 27.02.2019, wherein and whereby, the petitioner sought for transfer of the name in respect of the property situated at plot no.168, Duramani Salai, Cholan Nagar,

Planning Division, Palavakkam, Chennai - 600 041 from the name of the petitioner's deceased husband to the name of the petitioner. Though the private respondents 3 to 6, who are the children of the petitioner have not yet been served with notice in the writ petition, this Court is inclined to dispose of this writ petition without affecting the interest of those persons.

2. It is stated that the petitioner's husband, namely, Thulukanam, was allotted Plot No. 169 on 01.07.1995 on lease cum ownership basis by the Tamil Nadu Slum Clearance Board. It is stated that the petitioner's husband was paying monthly installment regularly and he died on 01.01.2012. It is claimed by the petitioner that she is legally wedded wife of the said Thulukanam and consequent upon the death of her husband, the allotment should be transferred in her name as she is residing in the said property continuously.

3. The learned counsel appearing for the petitioner submitted that the respondents 3 to 6 are not having any objection and he would produce no objection certificate from those persons as well before the Slum Clearance Board.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner as it is for the respondents 1 and 2 to consider the request of the petitioner and pass orders on merits and in accordance with law, after giving due opportunity of hearing to all the legal heirs of the deceased Allottee, namely, the petitioner and the respondents 3 to 6. Thus, this writ petition is disposed of by directing the second respondent to pass orders on the petitioner's representation on merits and in accordance with law, after hearing the petitioner and the respondents 3 to 6 and conducting due enquiry.

Such exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mayaya

To

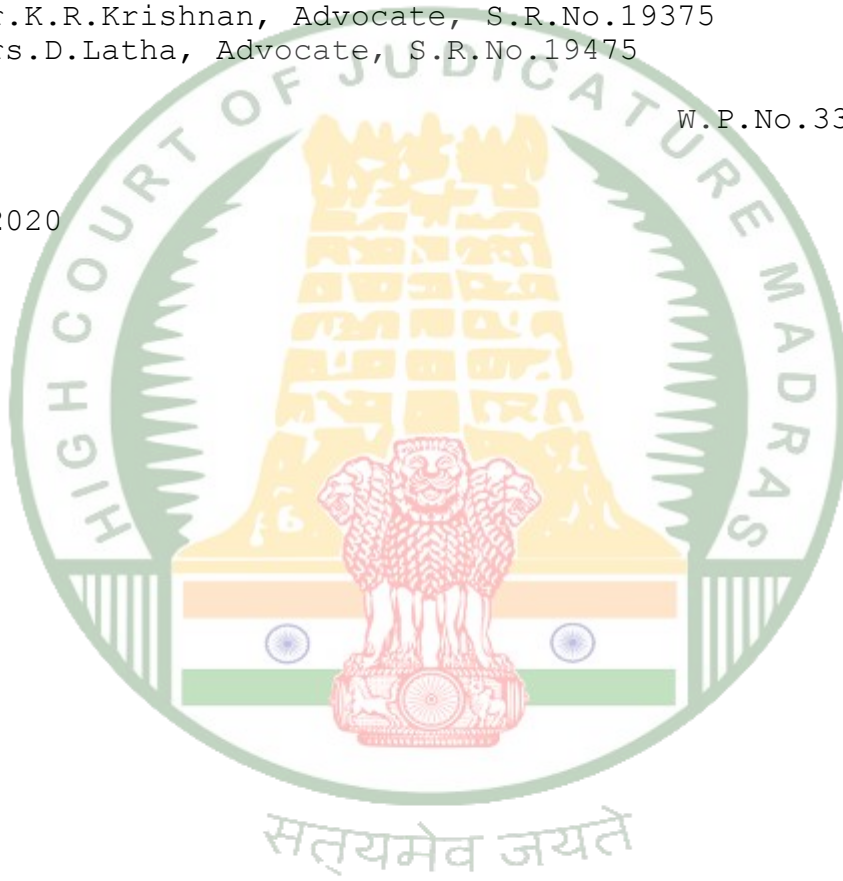
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+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.19375

+1cc to Mrs.D.Latha, Advocate, S.R.No.19475

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SSI(CO)
CS/13/03/2020



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