

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3092 of 2021

Chandrasekar

... Petitioner

Vs.

1. The Chairman,
The Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 35.

2. The Estate Officer,
The Tamil Nadu Housing Board,
K.K.Nagar, Sivalingapuram,
Chennai - 78.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the representation of the petitioner dated 17.02.2020 seeking to transfer to the name of the petitioner the plot allotted by the respondent's herein in plot No.58, Bharathi Nagar, Guindy, Chennai - 32 issued in the name of the petitioner maternal aunt viz., Rojabai W/o. Kanniah.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.R.Bharath kumar

O R D E R

This writ petition has been filed for a mandamus seeking for a direction to the respondents herein to consider the representation of the petitioner dated 17.02.2020 seeking to transfer to the name of the petitioner the plot allotted by the respondents herein in plot No.58, Bharathi Nagar, Guindy, Chennai - 32 issued in the name of the petitioner's maternal aunt viz., Rojabai W/o. Kanniah.

2. The case of the petitioner is that he is an adopted son of Rojabai who was allotted plot No.58, Bharathi Nagar, Guindy, Chennai - 32 by Tamil Nadu Housing Board. According to the petitioner, he is the sister's son of Rojabai. According to the petitioner, the husband of Rojabai died even before he was born and therefore, he was given on adoption by his biological mother to Rojabai who was her sister. According to the petitioner, the aforementioned plot was allotted to Rojabai on 23.03.1994 and she paid all the EMIs., to the Tamil Nadu Housing Board. According to the petitioner, Rojabai, the <https://hcservices.mca.gov.in/hcservices/> died on 26.12.2003 and thereafter, the petitioner has given a representation dated 17.02.2020 to the respondents seeking for transfer of allotment for the plot No.58, Bharati

Nagar, Guindy, Chennai - 600 032 from Rojabai to his name. According to the petitioner, since the said representation has not been considered, the petitioner has approached this Court under Article 226 of the Constitution of India.

3. Heard Mr.G.Magesh Kumar, learned counsel for the petitioner and Mr.R.Bharath Kumar, learned Standing Counsel for the respondents.

4. The petitioner has filed the following documents before this court (a) Application of the petitioner's maternal aunt, Rojabai to the respondent board seeking for allotment of a plot submitted in the year 1983 (b) Allotment regularisation order issued by the first respondent dated 03.03.1994 (c) Death certificate of the petitioner's maternal aunt Rojabai dated 08.01.2004 (d) Representation of the petitioner to the first respondent dated 17.02.2020 (e) Representation of the petitioner to the second respondent dated 17.02.2020 and (f) Acknowledgement cards dated 18.02.2020 received from the respondents.

5. The petitioner claims that he is the adopted son of Rojabai, the original allottee for the plot No.58, Bharathi Nagar, Guindy, Chennai - 600 032. It is also stated in the affidavit filed in support of this writ petition that Rojabai, the original allottee has paid all the instalments to the respondents housing board. The petitioner has given a representation on 17.02.2020 to the respondents requesting them to transfer the allotment of Rojabai in his favour which was earlier granted to Rojabai under the allotment regularisation order dated 03.03.1994. He has also produced the acknowledgement cards received from the respondents for the said representations. Admittedly, the said representations have not been considered till date.

6. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after scrutinizing all the documents produced by the petitioner.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 17.02.2020 seeking for transfer of allotment in his favour from Rojabai in respect of plot No.58, Bharathi Nagar, Guindy, Chennai - 600 032 and pass final orders on merits and in accordance with law after scrutinizing all the documents produced by the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
The Tamilnadu Housing Board,
No.493, Anna Salai,
Nandanam, Chennai - 35.
2. The Estate Officer,
The Tamil Nadu Housing Board,
K.K.Nagar, Sivalingapuram,
Chennai - 78.

+1cc to Mr.R.Bharath Kumar, Advocate, S.R.No.9011.

+1cc to Mr.G.Mahesh Kumar, Advocate, S.R.No.8880.

GMR (CO)
CSR: 09.03.2021

W.P.No.3092 of 2021



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