

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.5489 of 2021

R.C.Durai @ Chelladurai

... Petitioner

Vs

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

2. The Estate officer,
Tamil Nadu Slum Clearance Board,
83rd Street, Sivalingapuram,
K.K.Nagar,
Chennai - 600 078.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 23.12.2020 and issue the sale deed in the name of the petitioner in respect of Plot No.106, Survey No.381, Khanu Nagar, K.K.Nagar, Chennai - 78.

For petitioner
For Respondent

... Mr.R.Ravi
... Ms.D.Latha,
Standing Counsel

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation dated 23.12.2020 and issue a sale deed in his name in respect of Plot No.106, Survey No.381, Khanu Nagar, K.K.Nagar, Chennai - 78.

2. Ms.D.Latha, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both the parties,

this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that the aforementioned property was allotted to his father Mr.Rajendran and he was enjoying the same, till his death on 08.01.2005. According to the petitioner, he is the only surviving legal heir of his deceased father Rajendran. He has approached the respondents for issuance of sale deed for the aforementioned property in his name. He has also given a representation on 23.12.2020 to the respondents requesting them to execute a sale deed in his name for the aforementioned property which was earlier allotted to his father Rajendran. Since the said representation has not been considered, this writ petition has been filed.

4. Heard Mr.R.Ravi, learned counsel for the petitioner and Ms.D.Latha, learned Standing Counsel appearing for the respondents.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that he is the only son of Rajendran who died on 08.01.2005. According to him, the aforementioned property was allotted to his father by the respondents and he has been enjoying the said property till his death on 08.01.2005. It is the case of the petitioner that he is the sole surviving legal heir for the deceased Rajendran. He has approached the respondents for execution of sale deed in his name for the aforementioned property which was earlier allotted to his late father Rajendran. The petitioner has also given a representation on 23.12.2020 to the respondents requesting them to execute a sale deed for the aforementioned property in his name. Admittedly, the said representation has not been considered till date. No prejudice will be caused to the respondents, if the petitioner's representation dated 23.12.2020 is considered on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this court.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 23.12.2020 requesting the second respondent to execute a sale deed in his favour for the property bearing Plot No.106, Survey No.381, Khanu Nagar, K.K.Nagar, Chennai - 78 which was earlier allotted to his deceased father and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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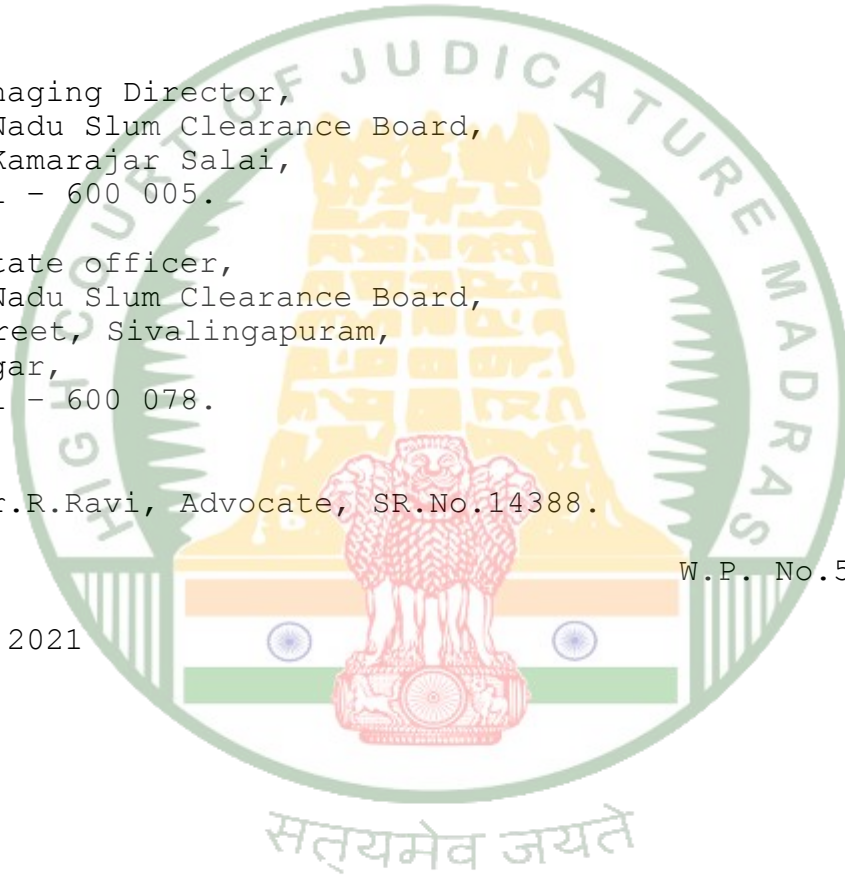
To

1. The Managing Director,
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No.5, Kamarajar Salai,
Chennai - 600 005.
2. The Estate officer,
Tamil Nadu Slum Clearance Board,
83rd Street, Sivalingapuram,
K.K.Nagar,
Chennai - 600 078.

+1cc to Mr.R.Ravi, Advocate, SR.No.14388.

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GJ(CO)
CSR 23.03.2021



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