

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.5743 of 2021

Kaliammal @ Kalyani

... Petitioner

Vs

1. The Secretary,
Tamil Nadu Slum Clearance Board,
EVR Building,
Chepauk,
Chennai - 600 005.

2. The Estate Officer No.4,
Tamil Nadu Slum Clearance Board,
Teynampet,
Chennai - 600 018.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the second respondent herein to consider and pass orders in the representation dated 05.02.2020 sent by the petitioner for effecting name change by including the names of the legal heirs of the allottee late Samikannu.

For petitioner ... Mr.K.Govi Ganesan

For Respondents ... Ms.D.Latha, TNSCB
Standing Counsel

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to consider and pass order on the petitioner's representation dated 05.02.2021 seeking for transfer of allotment in her name as well as her sister subsequent to the death of his father Samikannu who died on 16.02.1989.

2. Ms.D.Latha, learned Standing Counsel accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. According to the petitioner, her father Samikannu was allotted a plot bearing No.93, Old Door No.1754, New No.4 measuring an extent of 0.1.05 sq.m. situated at 58th street, Ashok Nagar, Chennai- 83 at Nallan Kuppam Slum Area under the proceedings of the Tamil Nadu Slum Clearance Board dated 01.06.1987. According to him, his father died on 16.02.1989 and his mother predeceased his father. It is also the case of the petitioner that her brother Kaliyamoorthy also died on 06.12.1996. According to him, she and her sister Veerammal are the only surviving legal heirs entitled to succeed to the estate of her father Samikannu. It is also the contention of the petitioner that certain third parties had trespassed into the property allotted to her father. The petitioner has given representation on 05.02.2020 seeking for transfer of allotment in the name of the legal heirs of the deceased Samikannu namely the petitioner and her sister Veerammal. According to the petitioner, on receipt of the said representation, the second respondent has also by its letter dated 10.02.2020 called upon the petitioner for enquiry on 18.03.2020 at 4 p.m. with the relevant records. According to the petitioner, on 18.03.2020 all the relevant records were also produced before the second respondent. However it is the case of the petitioner that till date, the said representation has not been considered and no final orders have been passed. In such circumstances, this writ petition has been filed.

4. Heard Mr.K.Govi Ganesan, learned counsel for the petitioner and Ms.D.Latha, learned Standing Counsel for the respondents.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that she is one of the legal heirs of the deceased Samikannu. It is the case of the petitioner that her father was earlier allotted the aforementioned plot by the Tamil Nadu Slum Clearance Board. According to the petitioner, she and her sister Veerammal are the only surviving legal heirs of the deceased Samikannu who died on 16.10.1989. The petitioner has given a representation on 05.02.2020 to the respondents seeking for transfer of allotment from her father in favour of his legal heirs namely the petitioner and her sister Veerammal. Admittedly, the second respondent has also called them for enquiry in respect of the representation given by the petitioner on 05.02.2020. Admittedly no final orders have been passed till date on the representation given by the petitioner on 05.02.2020, despite holding an enquiry on 18.03.2020 by the second respondent. No prejudice will be caused to the respondents, if the petitioner's representation dated 05.02.2020 is considered on merits and in accordance with law after hearing all the necessary parties.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 05.02.2020 seeking for transfer of allotment in the names of the petitioner as well as her sister Veerammal in respect of plot bearing No.93, Old Door No.1754, New No.4 measuring an extent of 0.1.05 sq.m. situated at 58th street, Ashok Nagar, Chennai- 83 at Nallan Kuppam Slum Area and pass final orders 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nl

To

1. The Secretary,
Tamil Nadu Slum Clearance Board,
EVR Building,
Chepauk,
Chennai - 600 005.
2. The Estate Officer No.4,
Tamil Nadu Slum Clearance Board,
Teynampet,
Chennai - 600 018.

+1cc to Mr.K.Govi Ganesan, Advocate, S.R.No.15373.

W.P. No.5743 of 2021

GPL (CO)
CSR 24.03.2021

WEB COPY