



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.6841 of 2012

V.Gunaseelan

... Petitioner

Vs.

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

2. The Estate Officers No.3,
Tamil Nadu Slum Clearance Board,
Anna Nagar,
Chennai - 600 040.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of 1st respondent herein vide Na.Ka.No.G3/12256/2011 dated 13.01.2011 and quash the same and consequently direct the 1st respondent herein to allot the house bearing Door No.275, N.V.N. Nagar, 14th Street, Thirumangalam, Anna Nagar, Chennai - 600 040 and execute sale deed in favour of the petitioner.

For Petitioner : Mr.Rajkumar
for Mr.T.Muruganantham

For Respondents : Mr.R.Sivakumar

O R D E R

(Through Video Conferencing)

The relief sought for in the present writ petition is to call for the records relating to the proceedings of the 1st respondent herein vide Na.Ka.No.G3/12256/2011, dated 13.01.2012, and quash the same and consequently, direct the 1st respondent herein to allot the house bearing Door No.275, N.V.N. Nagar, 14th Street, Thirumangalam, Anna Nagar, Chennai - 600 040 and execute sale deed in favour of the petitioner.



2.The order impugned, dated 13.01.2012, states that the original allottee of the tenement by the Tamil Nadu Slum Clearance Board was one Smt.Vimala. However, her brother Gunaseelan, who is the writ petitioner, filed a petition for transfer of name in respect of the tenement allotted in favour of the said Smt.Vimala. The Tamil Nadu Slum Clearance Board, through the impugned order, informed the petitioner that the name transfer can be effected only in respect of the direct legal heirs and the application of the writ petitioner, claiming himself as the brother of the original allottee Smt.Vimala, cannot be considered for transfer of name. Further, it states that the husband of the original allottee Smt.Vimala was missing and not found for more than seven years. So appropriate actions are to be initiated for the purpose of getting a Succession Certificate through the competent Court of Law.

3.This being the information provided to the writ petitioner, instead of complying with the conditions, the writ petitioner has chosen to file the present writ petition. The High Courts cannot adjudicate such disputed issues in respect of legal heirship. If at all, the petitioner claims that he is the surviving legal heir, then an appropriate order must be obtained from the competent Civil Court of Law and merely by filing a writ petition, the right of the allottee cannot be transferred by the respondent and as such, there is no infirmity in respect of the response communicated to the writ petitioner through the impugned order. Thus, the petitioner has not established his right for the purpose of granting the relief as such sought for in the present writ petition.

Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

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



2. The Estate Officers No.3,
Tamil Nadu Slum Clearance Board,
Anna Nagar,
Chennai - 600 040.

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SSD(CO)
SU(15/11/2021)