

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.2495 of 2016

K.Senthilvel

S/o.M.P.T.Kasirajan

... Petitioner

Vs.

1.The Chairman

Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk,
Chennai-600 005

2.The Managing Director,

Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk,
Chennai-600 005.

3.The Revenue Inspector,

Aranganathan Nagar,
Sivalingapuram, K.K.Nagar,
Chennai-600 078.

4.The Secretary,

Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

5.The Secretary,

Housing & Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

6.The Chairman-Cum-Managing Director,

Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to transfer the title in respect of Plot No.68 bearing Door No.28-A (now No.1/28-A), Narayanasamy Street, Aranganathan Nagar, Chennai originally allotted in favour of my father late Thiru. M.P.T. Kasirajan vide proceedings of the chairman, Tamil Nadu Slum Clearance Board Viz. Proc. No.638/84/A3/EO/WBS (II) dated 22.09.1984 and the construction

therein and also executing the sale deed in respect of the aforesaid property in the name of the petitioner herein. viz. K.Senthilvel, the legal heir of the deceased kasirajan, within a stipulated time framed by this Court.

For Petitioner : Mr.Haja Mohideen Gisthi

For Respondents: Mr.R.Sivakumar for RR1 and 2
M/s.A.Madumathi
Special Government Pleader for R3 to R5
Mr.Baskar
Standing counsel for R6

ORDER

The writ petition has been filed for issuing a Writ of Mandamus, to direct the respondents to transfer the title in respect of Plot No.68 bearing Door No.28-A (now No.1/28-A), Narayanasamy Street, Aranganathan Nagar, Chennai originally allotted in favour of the petitioner's father late Thiru. M.P.T. Kasirajan vide proceedings of the chairman, Tamil Nadu Slum Clearance Board Viz. Proc. No.838/84/A3/EO/WBS (II) dated 22.09.1984 and the construction therein and also executing the sale deed in respect of the aforesaid property in the name of the petitioner herein. viz. K.Senthilvel, the legal heir of the deceased kasirajan,

2.The brief facts necessary for disposal of the writ petition are as follows:-

The Tamil Nadu Slum Clearance Board vide proceedings dated 22.09.1984, allotted Plot No.68 bearing Door No.28-A(New No.1/28-A), Narayanasamy Street, Aranganathan Nagar, Chennai, to the petitioner's father. It is stated by the petitioner that as per the allotment order, his father paid all the charges as stipulated by the Slum Clearance Board. Since, the sale deed was not executed by the Slum Clearance Board infavour of the petitioner's father, the petitioner has approached this Court.

3.In the affidavit filed in support of the writ petition, the petitioner stated that his father even before his death on 22.01.2010 has executed a deed through Non-Judicial Stamp Paper for Rs.10/- and authorized the petitioner to be the owner of the plot that was to be conveyed as per the allotment order. It is further stated that the petitioner's father expired on 13.06.2010 and the death of petitioner's father was informed to the respondents along with the death certificate. It is stated by the petitioner that the petitioner sent a legal notice and an individual representation to the respondents, calling upon them to register the plot in favour of the petitioner as per the allotment order.

produced G.O.M.S.No.564 dated 13.10.2020 issued by the Revenue and Disaster Management Department before this Court. The learned counsel appearing for the petitioner submitted that the petitioner has enclosed the legal heir certificate in the typed set of papers filed along with this writ petition.

5.In the counter affidavit filed by the Secretary of Tamil Nadu Slum Clearance Board, it is specifically admitted that the allotment was made infavour of the petitioner's father and it is also stated that the legal heir certificate of the deceased has to be submitted by the petitioner for considering the request of the petitioner. It is further stated that no sale deed would be executed in favour of the petitioner if the same is not produced.

6.The learned counsel appearing for the respondents submitted that this Court may direct the petitioner to submit the legal heir certificate of the deceased, before the authority concerned. He further submitted that Tamil Nadu Slum Clearance Board will execute the sale deed in favour of the petitioner or any other eligible person as per the allotment order on the basis of legal heir certificate that may be produced.

7.Accordingly, the writ petition is allowed and the Managing Trustee/second respondent or authorized officer of Tamil Nadu Slum Clearance is directed to execute the sale deed or the document of conveyance transferring the tittle in respect of plot No.68 bearing Door No.28-A (now No.1/28-A), Narayanasamy Street, Aranganathan Nagar, Chennai infavour of the petitioner. The petitioner is directed to furnish the copy of the original or certified copy of the legal heir certificate of the deceased, to the second respondent or any one of the authorized officer of Tamil Nadu Slum Clearance Board who shall comply with the direction of this Court within a period of eight weeks from the date of receipt of copy of this order. No Costs. If there is any rival claim, this order will not preclude the other legal heirs of original allottee to establish joint ownership.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

tta

To

1.The Chairman

Tamil Nadu Slum Clearance Board,

No.5, Kamarajar Salai,

Chepauk, Chennai-600 005

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

3.The Revenue Inspector,
Aranganathan Nagar,
Sivalingapuram, K.K.Nagar,
Chennai-600 078.

4.The Secretary,
Revenue Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

5.The Secretary,
Housing & Urban Development Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

6.The Chairman-Cum-Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

+1cc to the Government Pleader, S.R.No. 11111

W.P.No.2495 of 2016

RGN(CO)
GN(19/02/2021)

सत्यमेव जयते

WEB COPY