

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 8535 of 2015
and
M.P.No.1 of 2015

R.Sri Ramulu

...Petitioner

Vs

1.The District Revenue Officer,
Land and Estate Office / Department,
The Corporation of Chennai,
Rippon Buildings, Poonamallee High Road,
Chennai - 600 003.

2.The Commissioner,
Corporation of Chennai,
Chennai - 3.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to execute the sale deed in respect of the petitioner house bearing Door No.11/22, Corporation Model Line, Chetpet, Chennai.

For Petitioner : Mr. V.Raghavachari

For Respondents : Ms. Kaarthika Ashok
Standing Counsel

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to execute the sale deed in respect of the petitioner house bearing Door No.11/22, Corporation Model Line, Chetpet, Chennai.

2. It is stated in the affidavit filed in support of this writ petition that the house bearing Door No.11/2, Corporation Model Line, Chetpet, Chennai, belonged to the Corporation of Madras. It is also stated that the said house was allotted to the petitioner's father-in-law by name V.M.Parthasarathy and that he was in possession and enjoyment of the house as a tenant. It is the specific case of the petitioner that the petitioner's wife by name S.Ramani was in possession and enjoyment of the premises after the lifetime of V.M.Parthasarathy and that she is entitled to get the sale deed on the basis of allotment which was made in favour of petitioner's father-in-law. It is the specific case of the petitioner that the Corporation considered the request of the petitioner's wife and received entire sale price for the house in which she was residing after the lifetime of the her father. Even after receiving a sum of Rs.11,345.88/- being the amount towards sale consideration and interest, it is stated that the respondents have not come forward to execute the sale deed after recognizing the petitioner as rightful person to seek conveyance and despite the entire sale consideration as demanded was paid.

3. The respondents have not filed any counter affidavit. However, learned Standing Counsel appearing for the respondents submitted that the petitioner has not produced any document to prove his right or entitlement to get the sale deed. It is stated further that the petitioner has not proved his legal heirship. The petitioner has produced before this Court the legal heirship certificate and certain documents which would enable the respondents to decide who is the rightful heir entitled to allotment. However, learned counsel for the respondents submitted that the documents have not been produced before the respondents to take appropriate decision. Learned counsel for the respondents further makes a statement that the petitioner in the Writ Petition is no more and that the Writ Petition can be heard only after impleading the legal heirs of the petitioner.

4. Since there is no abatement, this Court is inclined to dispose this petition without expressing any opinion on the merits of the petitioner's case and contentions raised by the respondents before this Court. Accordingly, the petitioner's legal heirs are entitled to file a fresh application before the

respondents for getting the sale deed in their favour in tune with the prayer in the Writ Petition. When such representation is made, the respondents are directed to verify the veracity and validity of the claim of the petitioner's legal heirs and consider the representation in manner known to law and take decision within a period of twelve weeks from the date of receipt of a copy of the representation. If the petitioner's wife is entitled to get a sale deed, the same benefit will be accrued to the petitioner and other legal heirs of the petitioner after the demise of the petitioner's wife.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1.The District Revenue Officer,
Land and Estate Office / Department,
The Corporation of Chennai,
Rippon Buildings, Poonamallee High Road,
Chennai - 600 003.

2.The Commissioner,
Corporation of Chennai,
Chennai - 3.

+1cc to Mr.Karthikaa Ashok, Advocate, S.R.No.5126

+1cc to M/s.V.Raghavachari, Advocate, S.R.No.5227

W.P. No. 8535 of 2015

PMK (CO)
RN (23/03/2021)