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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 18455 of 2021

and

W.M.P. Nos. 19688 & 19689 of 2021

M. Sundari Bai

.. Petitioner

Versus

- 1.The Chairman
Tamil Nadu Slum Clearance Board
No. 5, Kamarajar Salai
Chennai - 600 005
- 2.The Estate Officer - 3
Tamil Nadu Slum Clearance Board
Tirumangalam, Chennai - 600 040
- 3.The Tahsildar
Egmore - Nungambakkam Taluk
Chennai - 600 031
- 4.Pramila Devi
- 5.The District Collector
Chennai City
62, Rajaji Salai, Fourth Floor,
Chennai 600001
- 6.The Revenue Divisional Officer
Chennai Central
Anna Nagar, Chennai - 600 040

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to G10/16276/98 dated 25.02.1999 passed by the first respondent whereby the allotment of Flat No. A7-201, Ground Floor, N.V.N. Nagar, TNSCB Quarters, Thirumangalam Project, Chennai - 600 040 in the name of Petitioner's father, Late. Kuppusamy was transferred to the fourth respondent and quash the same and consequently transfer the allotment in favour of all the legal heirs of Late Kuppusamy including the petitioner herein



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For Petitioner : Ms. K. Nithyashree
For Respondents : Ms. D. Latha
Standing Counsel, TNSCB

O R D E R

The present writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus to quash the order dated 25.02.1999 passed by the first respondent whereby the allotment of Flat No. A7-201, Ground Floor, N.V.N. Nagar, TNSCB Quarters, Thirumangalam Project, Chennai - 600 040 in the name of Petitioner's father, Late. Kuppusamy was transferred to the fourth respondent and direct the respondents to transfer the allotment in favour of all the legal heirs of Late Kuppusamy including the petitioner herein

2. According to the petitioner, her father Kuppusamy was allotted a flat at the above said address by the Tamil Nadu Slum Clearance Board. Her mother Mrs. Yasodha died and after her death, her father married the fourth respondent as his second wife. While so, on 07.04.1990 the petitioner's father passed away. On his death, the petitioner obtained legal heirship certificate on 07.08.1991 to the effect that the petitioner, her brothers and sisters, totalling 6 persons are the legal heirs. While so, the fourth respondent appears to have approached the respondents/Housing Board to transfer the allotment in her name. On coming to know about the steps taken by the fourth respondent to transfer the allotment of the housing flat in her name, the petitioner submitted a representation to the respondents requesting them not to transfer the order of allotment in favour of the fourth respondent. On 09.09.2020, the petitioner was called for an enquiry by the third respondent, which she attended and produced all the documentary evidence. While the petitioner was anticipating to transfer the allotment order in favour of the legal heirs of Late. Kuppusamy, the second respondent rejected her request on the ground that the order of allotment already stood transferred in the name of the fourth respondent. Immediately, the petitioner submitted an application dated 12.10.2020 invoking the Right to Information Act and on 19.12.2020, the petitioner was furnished the copy of the order dated 25.02.1999 whereby the order of allotment was transferred in favour of the fourth respondent. According to the petitioner, the order of transfer is illegal and it was passed on the basis of a bogus legal heir certificate obtained by the fourth respondent. The petitioner therefore submitted a representation on 04.02.2021 to take action against the fourth



respondent for having furnished bogus documents and to re-allot the residential flat in favour of the legal heirs of the deceased Kuppusamy. As there was no response to the representation dated 04.02.2021, the petitioner is before this Court with this writ petition.

3. When this writ petition is taken up for hearing today, the learned counsel for the petitioner confined his arguments and prayed this Court to issue appropriate direction to the first respondent to consider the representation dated 04.02.2021 of the petitioner and to pass orders thereon on merits.

4. Heard the learned counsel for both sides and perused the documents enclosed in the typed set of papers.

5. Considering the submission of the learned counsel for the petitioner, confining his argument to direct the first respondent to consider the representation dated 04.02.2021, this Court is not inclined to examine the validity of the order dated 25.02.1999 passed by the first respondent, which is impugned in this writ petition. The first respondent, is however, directed to consider the representation dated 04.02.2021 of the petitioner and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner and the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dhk/rsh

To

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



2.The Estate Officer - 3,
Tamil Nadu Slum Clearance Board,
Tirumangalam, Chennai - 600 040.

3.The Tahsildar,
Egmore - Nungambakkam Taluk,
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4.The District Collector,
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62, Rajaji Salai, Fourth Floor,
Chennai 600001.

5.The Revenue Divisional Officer,
Chennai Central,
Anna Nagar, Chennai - 600 040.

+lcc to Mr.K.Nithyashree, Advocate Sr No.44978
+lcc to Mr.D.Latha, Advocate Sr No.44917

WP No. 18455 of 2021

PCH (CO)
PR (20/10/2021)