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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40872 of 2016

and

W.M.P.Nos.34873 & 34874 of 2016

Mrs.S.Devakunjari

...Petitioner

Vs

1.The Secretary,
The Housing and Urban Development Department,
Fort St.George, Secretariat, Chennai - 9.

2.The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

3.The Chief Revenue Officer,
Tamil Nadu Housing Board,
No.493, Anna Salai, Nandanam,
Chennai - 600 035.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter of rejection being Letter No.1/15581/2016 dated 19.8.2016 issued by the 3rd respondent and quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 12.7.2016 and pass an order of transfer of tenancy in the name of petitioner in respect of the property bearing Door Old No.22, New No.43, West Circular Road, Mandavelipakkam Chennai-600 028.

For Petitioner : Mr.R.Narendran

For Respondents : Mr.K.M.D.Muhilan
Government Advocate
[For R1]

R2 & R3 - Mr.R.Bharathkumar



O R D E R

The impugned order dated 19.08.2016 issued by the Tamil Nadu Housing Board is under challenge in the present writ petition.

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2. The petitioner states that her husband late V.R.Sounderrajan was allotted tenement bearing Door No.Old.22, New.43, West Circular Road, Mandavelipakkam, Chennai - 600 0028 under Public quota in the year 1962 and till his life time, he has paid the rent without any default. The husband of the petitioner died intestate on 16.01.2016, leaving behind the petitioner and two daughters namely Meenakumari and Bhamini as his legal heirs. The first daughter of the petitioner got married and living with her family separately and the second daughter is a spinster and having psychological issues and living with the petitioner. The petitioner is leading her life with the Family Pension of her late husband. The petitioner states that she has not owning any residential properties. Thus, she made a representation on 12.07.2016 to effect name transfer in the tenement allotment. However, the said representation was rejected by the Tamil Nadu Housing Board on the ground that there is no provision to effect name transfer of tenement under the Housing Board Rules and accordingly, rejected the representation.

3. This Court is of the considered opinion that in respect of tenement, succession right cannot be claimed in the absence of any specific rule to that effect. Admittedly, there is no law to grant such successive right after the demise of the original allottee. In the present case, admittedly, the husband of the petitioner was the original tenement, while he was in Government service. He was continuing as a tenant right from the year 1962 and after his death, the petitioner is in occupation. The petitioner may have several grievances and such grievances cannot be redressed in a writ proceedings by this Court. If at all, the petitioner wants to occupy the house belongs to the Housing Board, she has to submit a fresh application for grant of allotment. However, the name transfer cannot be effected for the purpose of continuance of the tenement, which was originally allotted in the name of the husband of the petitioner. Thus, there is no infirmity as such in respect of the order passed by the respondents. But the petitioner is granted with a liberty to approach the respondents for such allotment, if she is eligible in accordance with the rules in force.



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4. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

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+1cc to Mr.R.Narendran, Advocate Sr.48871
+1cc to the Government Pleader Sr.49477
+1cc to Mr.R.Bharath Kumar, Advocate Sr.49389

W.P.No.40872 of 2016

pm[co]
srg 05/10/2021