

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.19290 of 2020

R.Rajendran

... Petitioner

Vs

1. The Secretary to the Government of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.

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

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus directing the second respondent to issue allotment letter and to execute the Sale Deed in petitioner's favour based on the petitioner's representation dated 16,09.2019.

For Petitioner : Mr.V.R.Karthikeyan
For Respondent-1 : Mr.V.Shanmugasundar
Spl.Govt.Pleader
For Respondent-2 : Mr.M.Rajasekar

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the second respondent to issue allotment letter and to execute the Sale Deed in favour of the petitioner based on his representation dated 16.09.2019.

2. The case of the petitioner is that originally his father, Raghavel Naidu was allotted a Plot Bearing No.28A, Kaveri Nagar, (Old Appavu Nagar), Saidapet, Chennai, measuring an extent of 850 sq.ft in the year 1956. According to the petitioner, ever since the said allotment, his father, Raghavel Naidu was in possession of the property and has been paying all the necessary taxes to the statutory authorities. According to the petitioner, his father died in the year 1986 and after his

demise, his mother Kousalya has been paying the taxes. It is the case of the petitioner that his mother Kousalya also died in the year 1995 leaving behind the petitioner, his brother R.Vijayakumar and his sister, Gowri as her legal heirs. According to the petitioner, ever since the death of his mother Kousalya, he and his brother as well his sister are enjoying the property measuring about 850 sq.ft by paying all the statutory dues to the authorities concerned. It the case of the petitioner that he gave a representation to the second respondent to issue allotment letter for Plot No.28A and also requested them to register a Sale Deed in his name. The petitioner received a reply from the Superintendent of the Tamil Nadu Slum Clearance Board on 22.07.2011 intimating him that his application seeking for allotment letter can be processed only after the second respondent receives Government Order from the first respondent. According to the petitioner, the Chennai Metropolitan Development Authority (CMDA) has also issued 'No Objection Certificate' for issuance of allotment order for the aforementioned property in favour of the petitioner. According to the petitioner, despite his best efforts, the allotment letter has not been issued for the property in his favour by the second respondent. The petitioner has given a representation on 16.09.2019 to the second respondent seeking for issuance of allotment letter and for execution of the sale deed in his favour. Since the representation dated 16.09.2019 has not been considered, the petitioner has filed this Writ Petition.

3. Heard Mr.V.R.Karthikeyan, learned counsel for the petitioner, Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent-1 and Mr.M.Rajasekar, learned counsel for the respondent-2.

4. The relief sought for in this writ petition is an innocuous one. The petitioner claims that on the death of his parents, namely, Raghavel Naidu and Kousalya is entitled for transfer of allotment in his favour, as his parents have deceased. According to him, originally the property was allotted to his father Raghavel Naidu in the year 1956 and after his death in the year 1986, his mother Kousalya was paying all the statutory dues in respect of the property and she also died in the year 1995 and ever since her death, the petitioner, his brother R.Vijayakumar and his sister Gowri have been paying the statutory dues in respect of the property and are in possession of the property till date. The petitioner has sought for allotment in his favour and for execution of the sale deed in his favour from the second respondent. According to him, he has given several representations and the last such representation was given on 16.09.2019. It is his case that till date, the said representations have not been considered.

5. No prejudice will be caused to the respondents, if the representation of the petitioner dated 16.09.2019 seeking for issuance of allotment letter in his favour and for execution of the Sale Deed in his favour is considered on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 16.09.2019 seeking for issuance of allotment letter and sale deed in his favour in respect of the property bearing Plot No.28A, Kaveri Nagar, (Old Appavu Nager), Saidapet, Chennai, measuring an extent of 850 sq.ft developed under the Area Tap Revement Scheme by the Madras Improvement Trust and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the remaining legal heirs of the original allottee, Raghavel Naidu, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to the Government of Tamil Nadu
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.

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

+1cc to Mr.V.R.Karthikeyan , Advocate SR.No. 10503

+1cc to Mr.S.Prabhu , Advocate SR.No. 10850

W.P.No.19290 of 2020

A.SK(15.03.2021)