



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25739 of 2021

S. Prabavathi

... Petitioner

Vs.

1. The Secretary,
Government of Tamilnadu,
Tamilnadu Urban Habitat Development Board,
Secretariat, St. George Fort,
Chennai- 600 009.
2. The Superintendent of Engineer,
Chennai Circle- II,
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chennai- 600 005.
3. The Executive Engineer,
O/o Executive Engineer,
Division-5,
Tamilnadu Urban Habitat Development Board,
Tenampet, Chennai- 600 018.

4. D. Sharma

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing in the nature of writ and direct to the respondents to consider the petitioner representation dated 02.10.2021.

For Petitioner : Mr.M.Murugesan

For Respondents R1 to R3 : M/s.D.Latha
Standing Counsel

For Respondent R4 : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the



petitioner's representation dated 02.10.2021.

2. Since no adverse order has been passed against the respondents 1 to 3, notice to the respondents 1 to 3 is dispensed with.

3. The case of the petitioner is that she is living with her maternal aunt, uncle and one of their son namely, Sharma. The property situated at Puliyur village about 260 sq.ft., was sold to the said Sharma by one Punithavel and in turn the said Sharma sold the same property to the petitioner on 26.01.2020 and received a sum of Rs.9,00,000/- from the petitioner and gave a written sale deed, however, he has not changed the name in the house allotment register and thereafter, he received the temporary allotment order from Tamilnadu Slum Clearance Board in his name and the petitioner demanded to the said Sharma to change the property to her name and he has not done the same. Hence, the petitioner made representation/letter to the respondents to register her name in the temporary allotment order, however, till date no action was initiated by them. Hence, this writ petition.

4. The learned counsel appearing for the petitioner submits that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 02.10.2021 and to pass appropriate orders.

5. Considering the facts and circumstances of the case, since it is purely a civil dispute between the petitioner and the 4th respondent, it should be dealt with before the competent civil Court. Hence, this Court is not inclined to issue any direction to the respondents with regard to the petitioner's representation as the prayer sought for by the petitioner is not sustainable.

6. Accordingly, this Writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed. However, liberty is granted to the petitioner to go before the competent forum to work out her remedy in the manner known to law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

skt



To

1. The Secretary,
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Tamilnadu Urban Habitat Development Board,
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Chennai- 600 009.
2. The Superintendent of Engineer,
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O/o Executive Engineer,
Division-5,
Tamilnadu Urban Habitat Development Board,
Tenampet, Chennai- 600 018.

+1cc to M/s.D.Latha, Advocate, S.R.No.65035
+1cc to Mr.M.Murugesan, Advocate, S.R.No.64320
+1cc to the Government Pleader, S.R.No.64863

W.P.No.25739 of 2021

SR(CO)
CT 07/01/2022