



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25618 OF 2021

A.Ramuthai

...Petitioner

Vs.

1.The Head Officer,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
nearby Vivekanandha House,
Ayodhya Nagar, Triplicane,
Chennai 600 005.

2.The Executive Engineer,
Estate Office,
No.7, Sivalingaapuram,
K.K.Nagar, Chnnai 600 078.

...Respondents

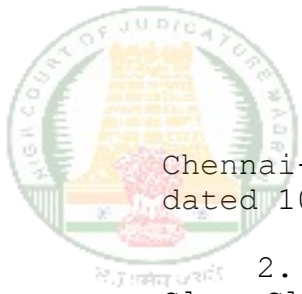
Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to execute a sale deed in respect of her 1/4th share i.e. 414 Square feet in the allotted property to an extent of 1 656 square feet bearing New Door No.2 Old Door No.63 (No.63/2) Plot No.80 situated at 137 Gangai Amman Kovil Street Kamarajapuram Velachery Chennai- 600 042 by considering the Petitioners representation dated 10.08.2021 within a stipulated time as fixed by this Honble court.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Ms.D.Latha, Standing Counsel for
Tamil Nadu Slum Clearance Board

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to execute a sale deed in respect of her 1/4th share i.e. 414 Square feet in the allotted property to an extent of 1 656 square feet, bearing New Door No.2, Old Door No.63 (No.63/2), Plot No.80, situated at 137, Gangai Amman Kovil Street, Kamarajapuram, Velachery,



Chennai- 600 042, by considering the Petitioners representation dated 10.08.2021.

2. Ms.D.Latha, learned Standing Counsel for the Tamil Nadu Slum Clearance Board takes notice for the respondents. In view of the limited relief sought for in this petition, On the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he is the resident of the above said address and the property admeasuring an extent of 1656 sq.ft, bearing New Door No.2, Old Door No.63, Plot No.80, situated at 137, Gangai Amman Kovil Street, Kamarajapuram, Velachery, Chennai. The said property was originally allotted by the Tamil Nadu Slum Clearance Board, in favour of the petitioner's father and mother. After allotment, the petitioner's parents along with the petitioner and his brother contributed equal share and put up a construction in 510 sq.ft out of 1656 sq.ft and the petitioner was permitted to reside in the first floor of the constructed portion and also executed consent agreement in that regard. Thereafter, the petitioner's parents were died leaving behind the petitioner and his younger brother and sister as legal heirs to inherit their estate. It is the claim of the petitioner that as one of the legal heir, he is entitled for 1/4th share over the allotted plot by the respondents and it is also duty bounded on the respondents to execute a Sale Deed in favour of the petitioner and his younger brother and sister, either jointly or in a separate manner. In that regard, in order to execute a Sale Deed in favour of the petitioner in respect of his share, he made a representation dated 10.08.2021 to the respondents. Though, the said representation was received by the respondents, the same had not been considered by them. Therefore, the petitioner left with no other option, except to approach this Court, has filed the present petition.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 10.08.2021 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Standing Counsel appearing for the respondents has no objection for said order being passed. He further submitted that the representation of the petitioner would be considered after hearing all the legal heirs of the petitioner's father in the enquiry and further a Sale Deed may be executed after obtaining no objection and consent affidavit from the legal heirs of the petitioner's father.



6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 10.08.2021, after affording opportunity of personal hearing to the legal heirs of the petitioner's father and after conducting detailed enquiry, the respondents shall get consent letter for execution of Sale Deed in favour of the petitioner in respect of his 1/4th portion and thereafter execute the Sale Deed in favour of the petitioner, as expeditiously as possible.

This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

1.The Head Officer,
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2.The Executive Engineer,
Estate Office,
No.7, Sivalingaapuram,
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+1cc to D.Latha, Advocate SR.No.63369

W.P.No.25618 of 2021

CP(CO)
RVM(03/01/2022)