

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.NO.41623 OF 2016
AND
W.M.P.NO.35621 OF 2016

P.Sankari

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600005.
2. Lakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 1st respondent made in Proc.Lr.No.E7/10181/2014 dated 19.08.2016 and quash the same consequently direct the respondents herein to execute sale deed in favour of the petitioner and her minor daughter forthwith in respect of Plot No.87, Bharathi Nagar, Guindy, Chennai - 600 032.

For Petitioner : Mr.S.Thirumavalavan

For Respondents : Mr.M.Babu Muthu Meeran
TNSCB, Standing Counsel for R1
Ms.V.Gayathri for R2

O R D E R

The order under challenge in the Writ Petition is to the order of the respondent dated 19.08.2016, in and by which, the respondent had cancelled the transfer of allotment made in favour of one Govindarajulu to his son Padmanabhan on 10.03.1996. The original allotment was made in favour of Govindarajulu in the year 1984, and upon his death based on the no objection given by his sisters, the allotment was transferred

in the name of his son Padmanabhan. The said transfer happened in the year 1996.

2. One of the sisters had claimed that the consent has been forged and sent a representation to the respondent Board on 20.07.2015, since the same was not considered, she approached this Court in WP No.8477 of 2016 seeking a Mandamus directing the Board to consider a representation. The transferee namely Padmanabhan was not made a party to the Writ Petition. This Court allowed the Writ Petition directing the respondent to consider the representation.

3. Thereafter the impugned order came to be passed by the respondent Board. The impugned order does not contain any reason as to why the transfer is cancelled. It only record the facts relating to the allotment and transfer there on and the complaint by the second respondent claiming that her signature is forged. The Authority has not come to any definite conclusion as to the correctness of the claim of the second respondent that her signature in the consent letter has been forged. It should also be pointed out that of the two daughters of Govindarajulu only one daughter had claimed that her signature is forged. Once a consent letter is given and the allotment is transferred on the basis of the consent letter and later it is claimed that the consent letter is a forged document, the authority who is directed to consider the claim shall examine the documents and come to a definite conclusion as to whether the signature is a forgery or not. The Authority cannot merely record the facts and say that in view of the claim made the transfer is cancelled. In the order impugned the authority concerned has not recorded a finding as to whether the signature of the second respondent in the consent letter was actually forged or not. In the absence of such reason the cancellation of the transfer order cannot be sustained.

4. In view of the same, the Writ Petition is allowed and the impugned order is quashed. The respondent is directed to reconsider the entire issue after notice to the parties, hold enquiry and pass orders arriving at a definite conclusion on the claims of the parties. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

To:-

The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai - 600005.

+1cc to Mr.M.Babu Muthu Meeran, Advocate, S.R.No.41734

+1cc to Mr.S.Thirumavalavan, Advocate, S.R.No.41257

W.P.No.41623 of 2016
and
W.M.P.No.35621 of 2016

GPL(CO)
RLP(18/07/2022)