



WEB COPY

W.P.No.17782 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.17782 of 2022

1.S.Ezhumalai
2.E.Tamil Selvi
3.E.Gopinath

... Petitioners

VS.

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

2.The Chairman,
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 5.

3.The Executive Engineer,
Tamil Nadu Slum Clearance Board (Division I),
No.5, Kamarajar Salai,
Chennai – 5.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the second and third respondents to consider the representation dated 04.06.2022 sent by the petitioners to the respondents to execute the sale deed in respect of the residential plot No.75, situated at Door No.23, Thiruvalluvar Salai, M.A.M.Ramasamy Nagar,



Kodungaiyur, TNSCB Tenament, Chennai – 600 118 measuring an extent of 61.20 sq. ft. in favour of the petitioner within a time frame to be fixed by this Court.

For Petitioner : Ms.C.Jayachithra
For Respondent 1 : Mr.T.M.Rajangam,
Government Advocate
For Respondents 2 & 3 : Mr.G.Sivakumar,
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 & 3 to consider the petitioners' representation dated 04.06.2022 requesting them to execute the sale deed in respect of residential plot No.75, situated at Door No.23, Thiruvalluvar Salai, M.A.M.Ramasamy Nagar, Kodungaiyur, TNSCB Tenament, Chennai – 600118 measuring an extent of 61.20 sq. ft. in favour of the petitioners within a time frame to be fixed by this Court.

2. Mr.T.M.Rajangam, learned Government Advocate accepts notice on behalf of the first respondent and Mr.G.Sivakumar, learned standing



counsel accepts notice on behalf of the respondents 2 & 3. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

3. According to the petitioners, the subject property was originally allotted by the respondents in favour of one Vadivambal who is the wife of the first petitioner and the mother of the second and third petitioners in the year 1994. According to the petitioners, the said Vadivambal paid the entire sale consideration as early as on 01.12.2011 and the receipt for the same has also been issued by the second respondent to her. According to the petitioners, Vadivambal has also obtained necessary permission from the second respondent and has put up construction and was in possession and enjoyment of the same till her death. According to them, she has also paid property tax and water tax. According to the petitioner, the original allottee Vadivambal died on 31.03.2022 and the petitioners who are the legal heirs of the said Vadivambal have given a representation on 04.06.2022 to the respondents requesting them to execute a sale deed in their favour subsequent to the death of Vadivambal. Since the representation has not been considered till date, the petitioners have filed this writ petition.



4. Heard Ms.C.Jaya Chithra, learned counsel for the petitioner, Mr.T.M.Rajangam, learned Government Advocate appearing for the first respondent and Mr.G.Sivakumar, learned Standing Counsel appearing for the respondents 2 & 3.

5. The petitioners have filed documents along with this writ petition to substantiate their claim that they are entitled for execution of sale deed in their favour, subsequent to the death of Vadivambal, the original allottee.

6. No prejudice would be caused to the respondents, if the petitioners representation dated 04.06.2022 is considered on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing.

7. For the foregoing reasons, this Court directs the respondents 2 and 3 to pass final orders on the petitioners' representation dated 04.06.2022 requesting the respondents to execute a sale deed in their favour in respect of residential plot No.75, situated at Door No.23, Thiruvalluvar Salai, M.A.M.Ramasamy Nagar, Kodungaiyur, TNSCB Tenament, Chennai –



600118 measuring an extent of 61.20 sq. ft. within a period of twelve weeks from the date of receipt of a copy of this Order, after affording a fair hearing to the petitioners including granting them the right of personal hearing.

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

13.07.2022

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Note: Issue order copy on 15.07.2022

Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

To

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

2.The Chairman,
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 5.

3.The Executive Engineer,
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ABDUL QUDDHOSE, J.
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