



WEB COPY



W.P.No.26426 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.26426 of 2014

and

M.P.No.1 of 2014

- 1.S.Krishnaveni
- 2.R.Kanniammal
- 3.S.Nedunchezian
- 4.S.Yuvaraj
- 5.G.Chitra
- 6.S.Mahesh
- 7.G.Gomathi
- 8.S.Rajeshwari
- 9.S.Sekar

... Petitioners

Vs

- 1.The Managing Director,
Tamil Nadu Slum Clearance Board,
Kamarajar Salai,
Chennai.
- 2.The Estate Officer II,
Tamil Nadu Slum Clearance Board,
Sathyamoorthy Nagar,
Vysarpadi,
Chennai – 600 039.
- 3.N.Neelakandan

... Respondents



W.P.No.26426 of 2014

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the first respondent herein to execute a Sale Deed in favour of all the existing legal heirs of the original allottee Late Mr.Narayanasamy in respect of the property in Plot No.217, Door Nos.191 & 192, Karunanidhi Salai, 15th Street, Vysarpadi, Chennai – 39 measuring to an extent of 93.5 Sq.Mts, by virtue of the allotment order dated 24.11.1983 made in Se.Mu.No.127/A/83 of the first respondent herein.

For Petitioners	: No appearance
For Respondents	:
For R1 & R2	: Mr.Siva Kumar

ORDER

There is no representation on behalf of the petitioners.

2. This Writ Petition has been filed for a Mandamus, to direct the first respondent herein to execute a Sale Deed in favour of all the existing legal heirs of the original allottee Late Mr.Narayanasamy in respect of the property in Plot No.217, Door Nos.191 & 192, Karunanidhi Salai, 15th Street, Vysarpadi, Chennai – 39 measuring to an extent of 93.5 Sq.Mts, by virtue of the allotment order dated 24.11.1983 made in Se.Mu.No.127/A/83 of the first respondent herein.



W.P.No.26426 of 2014

3. The learned counsel for the first and second respondents would submit that the third respondent is in possession of the property and since the petitioners have not approached the Estate Officer-II in Vyasarpadi, the second respondent herein, the question of executing the Sale Deed in favour of the petitioners or any of the Legal Heirs of Late Mr.Narayanasamy, does not arise.

4. It is submitted that the petitioners have also not produced a copy of the Legal Heirship Certificate to indicate that they are the legal heirs of Late Mr.Narayanasamy.

5. When the case was taken up for hearing, on perusal of the typed set of papers and the documents filed by the petitioners, it is noticed that the petitioners have indeed obtained Legal Heirship Certificate on 09.10.2012 wherein, the following names are found in the aforesaid Legal Heirship Certificate, issued by the Tahsildhar, Purasaiwakkam-Perambur Taluk, Chennai.

(i) S.Loganathan

(ii) S.Nedunchezian

(iii) S.Yuvaraj



W.P.No.26426 of 2014

(iv) Chitra

WEB COPY (v) S.Mahesh

6. The petitioners have also sent a representation to the second respondent on 28.08.2014 which seems to indicate that the petitioners have also furnished a copy of the aforesaid Legal Heirship Certificate.

7. Considering the above, I direct the second respondent to issue fresh notice to the petitioners by calling upon the petitioners to file authenticated copy of the Legal Heirship Certificate dated 09.10.2012. After scrutinizing all the records, appropriate orders may be passed and the Sale Deed be executed in favour of the Legal Heirs of Late Mr.Narayanasamy.

8. This exercise shall be completed by the second respondent, within a period of six months from the date of receipt of a copy of this order.

9. Needless to state, the third respondent or his nominees who is supposed to be in possession of the property shall also be heard.



W.P.No.26426 of 2014

WEB COPY

10. This Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

23.09.2022

Index: Yes/No
Speaking/Non-Speaking Order

arb

To

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

2. The Estate Officer II,
Tamil Nadu Slum Clearance Board,
Sathyamoorthy Nagar,
Vysarpadi,
Chennai – 600 039.



WEB COPY



W.P.No.26426 of 2014

C.SARAVANAN, J.

arb

W.P.No.26426 of 2014
and
M.P.No.1 of 2014

23.09.2022