



W.P.(MD).No.18029 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.18029 of 2013

V.M.K.Kadirvel

... Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Region,
Madurai-625 020.

... Respondent

2.Muthu @ Muthurakku
3.Panchali @ Panchavarnam
4.K.Palaniammal

... Proposed Respondents

*(R2 to R4 are impleaded vide Court order, dated
04.08.2022 in M.P(MD)No.1 of 2014 in W.P(MD)No.18029
of 2013)*

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 27.08.2013 and to execute the sale deed with regard to the house property bearing plot No.12 situated in Mahalakshmiipuram, Madurai as per the recitals of the Will executed by the petitioner's father Late V.M.Kanthasamy Servai,



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registered at the No.2 Joint Registrar Office, Madurai in document No. 144/1997.

For Petitioner : Mr.A.Jayaramachandran

For R-1 : M/s.S.Latha

For R-2 to R-4 : No appearance

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to execute a sale deed in favour of the petitioner.

2. According to the petitioner, his father Late V.M.Kanthasamy Servai was allotted a plot by the respondent Board. The petitioner alleges that his father has executed a Will, bequeathing the property in his favour excluding his mother and sisters. However, the mother and sisters who have been impleaded are objecting to the same in the present writ petition.

3. The learned Counsel for the respondent had submitted that once the original allottee passes away, a fresh allotment order would be issued only in favour of all the legal heirs. It is for the legal heirs to settle



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the issue among themselves. In case, if all the legal heirs executed a registered sale deed or settlement deed in favour of one of the legal heirs that will be accepted by the Board. Hence, the request of the petitioner for grant of sale deed directly in his favour is not as per the Scheme of the Slum Clearance Board.

4. In view of the above said submissions, this Court passes the following order:

"(i) The writ petitioner is directed to make a joint application along with all the legal heirs of Late V.M.Kanthasamy Servai with a legal heir certificate.

(ii) The Board shall issue a joint allotment order in favour of all the legal heirs.

(iii) The petitioner is at liberty to get a registered document from the other legal heirs of deceased V.M.Kanthasamy Servai. In case, if such registered document was received by the writ petitioner, the same may be accepted by the respondent Board."



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5. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

10.08.2022

Index : Yes / No
Internet : Yes / No
btr

To

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Madurai Region,
Madurai-625 020.



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R.VIJAYAKUMAR, J.

btr

Order made in
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