



W.P.No. 2861 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No. 2861 of 2023

Mr. G. Johnson

... Petitioner

versus

1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
5, Kamarajar Salai,
Chennai – 600 005.

2. The Estate Officer,
Estate Office- 2,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi, Chennai – 600 039. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents herein to consider and dispose of the representation of the petitioner dated 27.10.2022.

For the Petitioner : Mr. R. Dhamodaran

For the Respondents : Mr. S. Karthikeyan



W.P.No. 2861 of 2023

ORDER

WEB COPY

The father of the writ petitioner was allotted plot No. 302 measuring about 880 square feet at Door No. 184, B. Kalyanapuram at Vyasarpadi in Chennai in the year 1960 by the first respondent now called the Tamil Nadu Urban Habitat Development Board. The father of the petitioner Gnanam died on 08.05.1992. The mother of the petitioner Mrs. Sowriammal died on 23.10.2004.

2. The petitioner is one among five sons. He also has two sisters. One of the sisters had died and she had left behind two daughters and one son. Therefore the surviving legal heirs of Gnanam are his five sons, his one daughter and the two daughters and son of pre-deceased another daughter.

3. Learned counsel for the petitioner claims that all the legal heirs had given no objection in his favour and that the sale deed can be executed in the name of the petitioner herein.

4. However, the learned Standing Counsel for the respondents placed reliance on the proceedings of the respondent S.M E1.18573/08



W.P.No. 2861 of 2023

date 15.10.2008, wherein it had been stated that the respondent cannot recognize one of the legal heirs but all the legal heirs as being eligible for change in name of the allotment or for sale deed to be executed. Thus, they are no objection given by the other legal heirs, cannot work to the advantage of the petitioner herein. All of them should be shown as being the successors in interest of the father of the petitioner herein and if at all the respondents are prepared to execute sale deed then the sale deed will have to be executed in the names of all legal heirs.

5. It is also seen that if ever any amount is payable, then all the legal heirs should be prepared to pay the amount as claimed by the respondents. Let the respondent first invite the petitioner herein and get an undertaking from the petitioner that not only he but all the legal heirs are prepared to be present in the Sub Registrar Office and if all other formalities are completed, the sale deed would be executed in the name of all the legal heirs of his father, Gnanam. Correspondingly the respondents may also take necessary steps to survey the particular place and determine the price and also determine any balance amount payable by the petitioner herein and issue that



W.P.No. 2861 of 2023

particular fact to the petitioner. On payment by all the legal heirs of Gnanam, the sale deed can be executed.

6. Recording as above, the writ petition stands disposed of. Let the respondent invite the petitioner in the first instance for one to one meeting on or before *10.03.2023*. No costs.

03.02.2023

Index: Yes/no
mrn

To

1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
5, Kamarajar Salai,
Chennai – 600 005.
2. The Estate Officer,
Estate Office- 2,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi, Chennai – 600 039.



WEB COPY



W.P.No. 2861 of 2023

C.V.KARTHIKEYAN, J.
(mrn)

W.P.No. 2861 of 2023

03.02.2023