



W.P.No.20172 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20172 of 2018

M.Sukumar

... Petitioner

Vs.

1. The Secretary,
Housing and Urban Development,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2. The Chairman & Managing Director,
Tamil Nadu Housing Board,
Old No.36, Anna Salai,
Nandanam,
Chennai – 600 035.

3. The Executive Engineer & Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Chennai – 600 040.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 for the allotment of alternate Plot to the petitioner and other legal heirs.



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For Petitioner : M/s.A.Govindasamy

For Respondents : Mr.P.Sathish, AGP for R1

Mr.D.Veerasekaran for RR2 and 3

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 to allot alternate Plot to the petitioner and other legal heirs.

2. The case of the petitioner is that, initially the petitioner's father namely, N.Munusamy was allotted with an Artisan plot No.AP.134, situated at Anna Nagar on 07.12.1976 by the Tamilnadu Housing Board and the possession was also handed over to him. While so, the petitioner's father died on 12.03.1981 and the same was intimated by the petitioner's mother namely Vijayalakshmi and she has also produced the Death and Legal Heirship certificate of the said Munusamy and also requested for name transfer of the aforesaid plot and the last letter was sent on 17.05.1982. Pursuant to which, the 3rd respondent, vide letter dated 30.06.1982 directed



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the petitioner's mother to produce certain documents and the same was also submitted by her. Subsequently, the petitioner's mother also made an application dated 14.03.1984 before the 3rd respondent, along with Lease cum Sale Agreement seeking transfer of the said plot in her name and the same was pending. While such being the case, the above said plot was allotted in favour one Usha, pursuant to the forged and bogus documents submitted by her, as if she was the legal heir of the petitioner's father and pursuant to the said allotment to the said Usha, the petitioner's mother brought the above the said fraudulent act of the said Usha to the notice of the respondents by making appropriate representation and pursuant to which, the 3rd respondent, vide letters dated 29.03.1990 and 24.09.2010, intimated the petitioner's mother that, steps will be taken to allot an alternative plot, after getting orders from the Government of Tamilnadu. Accordingly, when the petitioner's mother and other legal heirs were waiting for allotment of alternate plot, the said Usha surrendered the above said Plot and confessed her act of cheating. However, the 1st respondent, without intimating the same to the petitioner, brought the subject plot for auction and



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sold the same on 27.11.1991 and till date, no allotment was made in favour of the petitioner's mother or other legal heirs of the said Munusamy. Hence, this petition.

3. The learned counsel for the petitioner submits that the petitioner's mother died on 19.04.2023. He further submits that though the respondents decided to provide alternative site to the petitioner, pursuant to the interim order passed by this Court, however, no allotment order was passed in favour of the petitioner and other legal heirs of said Munusamy.

4. The learned standing counsel appearing for respondents 2 and 3 submits that if the petitioner produce the legal heir certificate and death certificate of his deceased father and mother, alternative site will be allotted in favour of the petitioner and other legal heirs of said Munusamy.

5. Heard learned counsel appearing for the 1st respondent and perused the materials placed on record.



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6. In view of the submission made by the learned on either side, this Court without going into the merits of the case directs the petitioner to produce the legal heirship certificate and the death certificate of the petitioner's father and mother within a period of four (4) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the respondents 1 and 2 are directed to provide alternative site in the vicinity of Anna Nagar in favour of the legal heirs of said Munusamy within a period of twelve (12) weeks thereafter.

7. With the above directions and observation, this writ petition is disposed of. No costs.

06.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

(rap)



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M.DHANDAPANI,J.

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