



W.P.No.29651 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM :

The HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.29651 of 2015
and M.P.Nos. 1 and 2 of 2015

V.S.Lakshmi

.. Petitioner

VS

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

2.The Tamil Nadu Housing Board
Rep. By its Chairman,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.

3.The Revenue Officer,
The Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai – 600 035.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorarified mandamus calling for the
records pertaining to the issue of the order in Proceedings Nos.
VA.VA/B2/9277/2015 dated 19.08.2015 duly issued by the Revenue
Inspector, Tamil Nadu Housing Board, No.493, Anna Salai,



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Nandanam, Chennai – 600 035 the 3rd respondent herein and quash the same and consequently direct the respondents to consider the petitioner's lawful claim and allot the premises bearing U-1, Lloyds Colony Scheme, Royapettah, Chennai – 600 014 to the petitioner.

For Petitioner	:	Mr.D.Ashok Kumar
For Respondents	:	Mr.Alagu Gowtham Government Advocate for R1 Mr.Naganathan for Mr.D.Veerasekaran for R2 & R3

ORDER

The question that arises for determination in this case is as to whether the legal heirs of an original allottee could be permitted to continue in possession and occupation of a flat constructed and allotted by the Tamil Nadu Housing Board (TNHB/Board), pursuant to the demise of the original allottee.

2. The petitioner has challenged proceedings dated 19.08.2015 issued by the Revenue Inspector of the Board and also seeks a consequential direction for consideration of her claim for allotment of premises bearing U-1, Lloyds Colony Scheme, Royapettah, Chennai – 600 014 (flat / flat in question).



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3. The admitted facts are that the flat in question was allotted and leased to the petitioner's husband one Mr.V.S.Kandasamy on 08.09.1983. The Board was under the impression that the allottee was continuing therein but found on a surprise inspection that the tenant had expired on 22.02.2014 and his legal heirs were residing unauthorisedly therein.

4. Thus, in terms of Resolution No.11.04 dated 21.07.1997 to the effect that tenement of allotment of rights cannot be transferred to legal heirs after the demise of the original tenant, a show-cause notice was issued to the petitioner under Section 84(2) of the Tamil Nadu Housing Board Act, 1961. She was called upon to furnish an explanation as to why the allotment could not be cancelled and why the possession of flat not be taken from her.

5. The petitioner's response preyed on the sympathy of the officials. She submitted that she had been plagued by illness and hence was unable to vacate. After consideration of her request, the same was rejected on account of the uniform Policy decision of the Board. Thus, the impugned order.



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6. Learned counsel for the Board has also circulated a copy of the sample / template lease deed entered into with the original allottee which at paragraph xxxvi states as follows:-

"The leasehold rights of the rental allotment is not transferable to any legal heirs of the original tenant after the demise of the tenant."

7. In light of the aforesaid and bearing in mind the unambiguous and uniform policy that is followed by the Board, I see no reason to intervene. The impugned order is confirmed and this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

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2.The Chairman, Tamil Nadu Housing Board
No.493, Anna Salai, Nandanam,
Chennai – 600 035.

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