



W.P.No.11128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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P.Ponnen

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Housing Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamilnadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chennai - 600 005.
3. The Executive Officer,
Tamilnadu Urban Habitat Development Board,
Executive Office - 7,
Teynampet, Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd & 3rd respondents to initiate appropriate action on the representation of the petitioner dated 08.02.2018, 21.02.2023, 06.03.2023 and dispose the same within the time



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stipulated by this Hon'ble Court.

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For Petitioner : Mr.S.Elumalai

For Respondents : Mr.U.Bharanidharan, AGP, for R1

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 2nd & 3rd respondents to initiate appropriate action on the petitioner's representations dated 08.02.2018, 21.02.2023 and 06.03.2023 and dispose of the same.

2. Mr.U.Bharanidharan, learned Additional Government Pleader, takes notice for the 1st respondent. In view of consent expressed by the learned counsel on either side, this petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner's father namely Ponnan was allotted with the subject property situated at Old. No.47, New No.21-A, First Street, Periyar Nagar, Adambakkam, Chennai by the Tamil



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Nadu Slum Clearance Board under the Suburban Development Scheme.

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Pursuant to the said allotment, the petitioner's father took possession of the subject property and constructed a house and obtained necessary connections. After the death of the petitioner's father, the petitioner herein became the absolute owner of the above said property, as per the WILL dated 17.01.1998 executed by the petitioner's father, bequeathing the said property in favour of the petitioner. Therefore, the petitioner made a representation dated 08.02.2018 before the 2nd respondent, seeking allotment order and sale deed in favour of the petitioner in respect of the subject property. Upon receipt of the said representation dated 08.02.2018 and the consent letter dated 21.01.2019 submitted by the petitioner's mother and sister, expressing their No Objection for allotting subject property in favour of the petitioner, though the 2nd respondent, vide letter dated 19.01.2021, directed the Tahsildar, Mambalam-Guindy Taluk to submit a report with regard to the genuineness of the legal heirship certificate dated 21.09.1998 and also though, the 2nd respondent, vide letter dated 17.05.2022 directed the 3rd respondent to submit a report, after conducting appropriate enquiry, however, till date, no report has been submitted by the



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concerned officials and no final order has been passed on the petitioner's representation. Aggrieved by the inaction on the part of the 2nd respondent and other officials, the petitioner made several representations dated 21.02.2023 and 06.03.2023 before the Hon'ble Minister, Micro, Small Medium Enterprises Department and the 2nd & 3rd respondents respectively. However, till date, no orders have been passed on the same and till date no allotment order was issued in favour of the petitioner in respect of the subject property. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representations dated 08.02.2018, 21.02.2023 and 06.03.2023 and consequently, issue allotment order in favour of the petitioner in respect of the subject property as expeditiously as possible.

5. Learned Additional Government Pleader appearing for the 1st respondent submitted that, appropriate final orders will be passed on the



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petitioner's representations dated 08.02.2018, 21.02.2023 and 06.03.2023 within the time stipulated by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 06.03.2023 on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

7. With the above observations and directions, this Writ petition stands disposed of. No costs.

12.04.2023

skt

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

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To

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M.DHANDAPANI., J.

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