



W.P.No.18307 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18307 of 2023

V.Banumathi

. . . Petitioner

Vs.

1. The Executive Engineer
Tamilnadu Urban habitat development Board,
(Formerly Tamilnadu Slum Clearance board)
T.P.Chatham, Chennai-600010.

2. Sundaram

. . . Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other appropriate writ or order or directing the 1st respondent to consider the representation dated 23.02.2023 given by the petitioner and the 2nd respondent to the first respondent and allot half share each and to execute the sale deed for Plot No.123 situated at old No.22, new no 14 Gajalakshmi colony 4th street Shenoy Nagar, Chennai 30 in favour of the petitioner and the 2nd respondent, not insisting on photo of the petitioner and the 2nd respondent standing in front of the property.



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For Petitioner : M/s.S.Saravanan
For Respondents : Mr.S.Karthikeyan,
Government Advocate

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to consider the representation dated 23.02.2023 requesting execution of sale deed in respect of the aforesaid property.

2. Mr.S.Karthikeyan, learned Government Advocate takes notice on behalf of the 1st Respondent.

3. Since, no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It is the case of the petitioner that initially the subject property was allotted by the Tamil Nadu Slum Clearance Board to and in favour of one late Subramani who is the father-in-law of the petitioner and the 1st respondent. Due to some property dispute among the legal heirs of deceased Subramani,



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suit in O.S.No.1937 of 2015 for permanent injunction was filed by the petitioner on the file of the XVIII Assistant City Civil Court at Chennai, which was decreed in favour of the petitioner vide order dated 10.10.2022. On the strength of the said decree, in order to get their share, the petitioner and the 2nd respondent made a representation dated 23.02.2023 to the 1st respondent requesting to execute sale deed in their favour with respect to their share. However, their request was rejected by the 1st respondent. Hence, this Writ Petition has been filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner's representation dated 23.02.2023 seeking to execute the sale deed in respect of the aforesaid property and pass orders on merits within the time that may be stipulated by this Court.

6. Learned Government Advocate appearing on behalf of the 1st respondent has no objection to the said order being passed.

7. In view of the limited relief sought for by the petitioner, this



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Court without going into the merits of the case, directs the 1st respondent to consider the petitioner's representation dated 23.02.2023 and pass appropriate orders in terms of the decree passed in O.S.No.1937 of 2015 within a period of six weeks from the date receipt of a copy of this order.

8. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

22.06.2023

Index : Yes / No

Internet : Yes / No

NHS

To

The Executive Engineer
Tamilnadu Urban habitat development Board,
(Formerly Tamilnadu Slum Clearance board)
T.P.Chatham, Chennai-600010.



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M.DHANDAPANI, J



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