



W.P(MD)No.1258 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.1258 of 2022

and

W.M.P(MD)No.1111 of 2022

M.Periyakka

... Petitioner

Vs.

The Execution Officer,
Tamilnadu Slum Clearance Board,
Thiruchirapalli Region,
Thiruchirappalli.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to transfer the allotment of Flat No.234, E-Block, First Floor of Balakarai Slum Clearance Board's apartment, Trichirappalli in favour of the petitioner from the name of her husband namely Muniyandi on the basis of her representation dated 07.01.2022.

For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.S.Latha
Standing Counsel



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ORDER

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The writ petition has been filed in the nature of a mandamus seeking a direction to the respondent, Execution Officer, Tamil Nadu Slum Clearance Board which is now called Tamil Nadu Urban Development Habitant Board, to transfer allotment of flat No.234 E Block, First Floor of Balakkarai Apartments at Trichy, in favour of the petitioner from the name of her husband Muniyandi. The petitioner had given a representation dated 07.01.2022.

2. Heard the learned counsel for the petitioner and also learned standing counsel for respondent.

3. The issue is very simple. It relates to allotment of a flat to a person who claims to be the widow of Muniyandi. The flat was originally allotted to one Pandian. It is all within the family members. It is contended by both the learned counsels that the petitioner is actually a member of the family as the widow of Muniyandi. Muniyandi is also a member of the family. It is contended by the respondent that one Natraj had given an objection for transfer of the name in favour of the petitioner herein. It is however stated by the learned counsel for the petitioner that Natraj is not a member of the family. It is



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contended by the learned counsel for respondent that only in favour of the legal representatives alone can the flat be transferred.

4. If the petitioner can be categorized as a member of the family and if her late husband can be categorized as a legal heir of the allottee, then as a widow, the petitioner has every right to continue to occupy that place. If she has a right to occupy, she also has a corresponding right for the name to be transferred to her name.

5. The respondent may therefore, invite the petitioner alone for an enquiry, examine how she is related to the original allottee and determine the names of all other family members and if there are no objections, allot the flat to the name of the petitioner herein. If there is an objection from Natraj, the respondent may examine as to whether he is a member of the family and whether the petitioner's rights would supersede his right and if it does, then pass necessary orders on his objections and proceed to allot the flat in the name of the petitioner herein. The entire exercise may be completed within a period of three weeks from the date of receipt of a copy of this order. If the petitioner is in possession, the possession should continue.



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6. This writ petition is disposed of. Consequently, connected miscellaneous petition stands closed. No costs.

13.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

The Execution Officer,
Tamilnadu Slum Clearance Board,
Thiruchirapalli Region,
Thiruchirappalli.



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C.V.KARTHIKEYAN, J.

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