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W.P.No.11282 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.11282 of 2024 and
W.M.P.Nos.12373 to 12375 of 2024

Kamaladasan @ Kamal

... Petitioner

-VS-

1. The Additional Secretary to Government (Technical),
Housing and Urban Development,
Secretariat, Chennai-600 009.
2. The Chairman,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chennai-600 005.
3. The Executive Engineer,
Greater Chennai Corporation
Zone-4, No.266 Thiruvottriyur High Road,
Tondiarpet, Chennai-600 021.
4. The Assistant Executive Engineer,
Greater Chennai Corporation
Unit-10, No.266 Thiruvottriyur High Road,
Tondiarpet, Chennai-600 021.
5. The Assistant Engineer,
Greater Chennai Corporation Div.040,
No.1, Second Street, Ammaniammal Thottam,
Tondiarpet, Chennai-600 081.



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6. V.Megaraji
7. Chellammal

... Respondents

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(R6 & R7 impleaded as per order dated 29.07.2024)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the 1st respondent in Letter No.4720499/UD VI(1)/2023-2 dated 02.11.2023 and to quash the same and to direct the respondents 3 to 5 to unseal the building of the petitioner in Plot No.441, Ammani Ammal Thottam, Tondiarpet, Chennai.

For Petitioner	:	Mr.AE.Ravichandran
For R1	:	Mr.S.John J.Raja Singh Addl. Govt. Pleader
For R2	:	Mr.G.Sivakumar
For R3 to R5	:	Mr.D.B.R.Prabhu
For R6 & R7	:	Mr.A.Ilaya Perumal

ORDER

(By D.Krishnakumar,J.,)

This Writ Petition has been filed, seeking to quash the order of the 1st respondent in Letter No.4720499/UD VI(1)/2023-2 dated 02.11.2023, with a consequential prayer to direct the respondents 3 to 5 to unseal the building of the petitioner in Plot No.441, Ammani Ammal Thottam, Tondiarpet, Chennai.

2. The case of the petitioner is that the Plot No.441, bearing Door No.3, measuring to an extent of 63 sq.mtr. in Ammani Ammal Thottam, Tondiarpet, Chennai



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was original allotted to his grandmother, namely, Gengammal, W/o.Vaidyanathan by the 2nd respondent vide proceedings dated 25.02.1987 issued in No.41/82/B2/E. Though his grandmother was in possession and enjoyment of the property, there is no sale deed executed in favour of the said Gengammal or her legal heirs. The further case of the petitioner is that the petitioner and two other persons, viz., R6 & R7 are the legal heirs of the said Gengammal and are entitled to a joint sale deed to be executed by the Board, but the Board does not come forward to execute the sale deed in favour of the petitioner, R6 & R7. Hence, the instant Writ Petition has been filed.

3. A counter affidavit has been filed by the Board, wherein it has been stated that once the main allottee dies, all the legal heirs have to approach the Board to get the sale deed on payment of all dues payable to the Board. In this case, no legal heirs have approached the Board for execution of sale deed and the Board is not aware as to whether the said Gengammal is alive or not. It is further stated that in fact, the main allottee was a lessee under the Board as on date as also the legal heirs and as such, the alleged settlement deed dated 16.07.2010 is void ab initio. In case the legal heirs are able to establish that they are the legal heirs of Gengammal on production of relevant documents, then the Board will take a suitable decision.



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4. In view of the statement made by the Board in the counter affidavit, this

Writ Petition is disposed of with the following directions:

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i) The petitioner, R6 and R7 are directed to submit a representation along with complete details and particulars to the 2nd Respondent Board within a period of two weeks from the date of receipt of a copy of this order to establish that they are the legal heirs of the deceased Gengammal;

ii) If any such representation is made by the petitioner, R6 and R7 along with relevant documents, the 2nd respondent is directed to consider and pass appropriate orders thereon within a period of twelve weeks thereafter, after affording an opportunity of hearing to the petitioner, R6 and R7.

5. At this juncture, learned counsel for the petitioner brought to our attention that the appeal filed under Section 80-A of the Act was rejected on the ground that no sale deed has been executed in favour of the petitioner.

6. It is made clear that in view of the order passed by this Court today, if any sale deed is executed in favour of the petitioner, R6 and R7, it is open to them, to



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approach the authority concerned, seeking for regularization or approval in respect of the property in question as per law. No costs. Consequently, connected Miscellaneous

Petitions are closed.

[D.K.K., J.,]

[P.B.B.,J.,]

07.11.2024

Index: Yes / No

Internet: Yes / No

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To:

The Additional Secretary to Government (Technical),
Housing and Urban Development,
Secretariat, Chennai-600 009.



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D.KRISHNAKUMAR,J.,
AND
P.B.BALAJI,J.,
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