



WEB COPY



W.P.No.13531 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13531 of 2021

S.Vijaya

... Petitioner

Vs

The State rep by

1. The Home Secretary,
Secretariat Home Department,
2nd Floor Main Building, Rajaji Road,
Fort St.George, Chennai – 600 009.
2. The Chairman,
The Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai – 600 005.
3. The Estate Officer,
The Tamil Nadu Slum Clearance Board,
Mylapore, Chennai – 600 005.
4. The Tahsildar,
Mylapore Taluk Office,
Pasumponn Muthuramalingam Road,
R.A.Puram, Truspakkam,
Mandaveli, Chennai – 600 028.
5. Vasantha



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6. V.Bhuvaneswari

7. V.Mahalakshmi

8. V.Mageshwari

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent under Ref.No.947/84/A2 dated 17.12.1984 and quash the same and consequently to direct the second respondent to modify and re-allot the said land to both family namely Late.Sundaram son of Late.Singaram or his legal heirs and Late.Velayutham son of Late.Singaram or his legal heirs comprised in Survey No.4266/1 measuring (0.14.0 sq.mt) i.e. 150.695 sq.ft., within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.Jayakumar

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate (for R1 & R4)

Mr.M.Babu Muthu Meeran (for R2 & R3)

Mr.R.Ravichandran (for R5 to R8)



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ORDER

The Writ Petition has been filed challenging the order passed by the second respondent dated 07.12.1984, thereby, the second respondent allotted the property in favour of the fifth respondent's husband.

2. According to the petitioner, the property comprised in S.No.4263, ad-measuring an extent of (0.14.0 sq.mt) i.e. 150.695 sq.ft., was allotted in favour of their joint family. The petitioner's husband and the fifth respondent's husband are brothers and their father, viz., Singaram was originally allotted with the said property. After his demise, both the families were living as joint family. While that being so, without the knowledge of the petitioner's husband, the husband of the fifth respondent was allotted the said subject land in his favour. Therefore, the petitioner is challenging the allotment order that in the name of the fifth respondent's husband.

3. Admittedly, the said allotment was ordered on 17.12.1984. After a period of 37 years, it has now been challenged by the petitioner in this Writ Petition. Further, it is seen that there is property dispute between



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the petitioner's husband as well as the fifth respondent's husband and fifth to eighth respondents herein. Therefore, there is absolutely no ground to pass the allotment order, which was granted on 17.12.1984 in favour of the fifth respondent's husband. Hence, this Writ Petition is devoid of merits and it is liable to be dismissed.

4. In the result, this Writ Petition is dismissed. However, the petitioner is at liberty to approach the Civil Court for appropriate relief in the manner known to law. No costs.

15.04.2024

Index:Yes/No
Neutral Citation/Yes/No
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1. The District Collector,
Salem District Collectorate,
Salem – 636 001.
2. The Chairman,
Tamil Nadu Electricity Board,
144, Anna Salai,
Chennai – 600 002.



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3. The Superintending Engineer,
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Corporation,
Salem – 636 014.
4. The Executive Engineer (West),
Salem Electricity Distribution Circle,
Tamil Nadu Electricity Generation and Distribution Corporation,
Salem – 636 002.



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G.K.ILANTHIRAIYAN, J.

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