



WEB COPY



W.P.No.5316 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.5316 of 2021
and
W.M.P.No.5889 of 2021

V.Preetha

.... Petitioner

Vs

1. The Chairman,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai – 600 035.

2. The Executive and Administrative Officer,
Tamil Nadu Housing Board,
Anna Nagar Division,
Thirumangalam,
Chennai – 600 040.

3. R.Karunkaran

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to cancel the transfer of the allotment of the Plot No.543, LIG I Type in Madhavaram Scheme of Tamil Nadu Housing Board at Mathur in favour of my father-in-law, Karunakaran the third respondent herein, which was originally in the name of my husband, Ramuvasantharajan vide Allotment



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order No.3/36603/1992 dated 13.08.1992 and re-transfer the same in favour of the petitioner i.e. Preetha wife of Ramuvasantharajan and give the Sale Deed in her name.

For Petitioner : Mr.R.Sekar
For R1 & R2 : Mr.D.Veerasekaran
Standing Counsel
For R3 : No appearance

ORDER

This Writ Petition has been filed for a direction directing the respondents to cancel the transfer of allotment of Plot No.543, LIG I Type in Madhavaram Scheme of Tamil Nadu Housing Board at Mathur (herein after referred as the 'subject property') in favour of the third respondent herein and also sought for direction directing the respondents to allot the subject property in her favour and execute the sale deed.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents 1 & 2 and perused the materials available on record.



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3. The subject property, comprised in Plot Mo.543, LIG I

Types, admeasuring 640 sq.ft under the Madhavaram Scheme of Tamil Nadu Housing Board at Mathur, was allotted in favour of the petitioner's husband on 13.08.1992. As per the allotment order, the total extent of house plot is admeasuring 640 sq.ft and the total cost was fixed at Rs.10,405/-. After receipt of advance amount of Rs.1,150/-, the remaining amount of Rs.9,255/- was directed to pay by instalment at Rs.102/- per month for a period of twenty years with interest at the rate of 12% per annum. On completion of the entire payment as per the schedule, the petitioner's husband died on 07.12.2016. The petitioner, being wife of the deceased, was granted legal heirship certificate, including her mother-in-law.

4. According to the petitioner, now the allotment was ordered in favour of the third respondent and as such, the petitioner submitted a representation to cancel the allotment which was allegedly granted in favour of the third respondent and to re-allot it in her favour.

5. A perusal of the counter filed by the second respondent and the submissions made by the learned Standing Counsel appearing for



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the respondents 1 and 2 reveals that so far the subject plot was not allotted in favour of the third respondent. The third respondent is not the legal heir of the deceased son.

6. On perusal of the legal heirship certificate reveals that the petitioner and her mother-in-law are the only legal heirs of the deceased original allottee. That apart, the entire amount had been paid. Only because of the pendency of the writ petition, sale deed was not executed so far.

7. Now, the learned counsel appearing for the petitioner submitted that her mother-in-law also died and the petitioner is the only surviving legal heir of the original allottee.

8. In view of the above, the respondents 1 and 2 are directed to execute sale deed in favour of the petitioner in respect of the subject property within a period of four weeks from the date of receipt of a copy of this order.



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9. With the above direction, this writ petition stands

disposed of. Consequently, connected miscellaneous petition is closed.

No costs.

25.06.2024

Internet : Yes

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

1. The Chairman,
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493, Anna Salai,
Nandanam,
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2. The Executive and Administrative Officer,
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