



W.P.No.25378 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25378 of 2022

1.K.Veeranthiran

2.V.Sangeetha

..... petitioners

Vs.

1.The Managing Director,
Tamil Nadu Urban Habitant Development Board (TNUHDB),
(Formerly known as Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chepauk,
Chennai – 600 005.

2.The Revenue Officer (cum) Estate Officer,
No.5, Tamil Nadu Urban Habitant Development Board (TNUHDB),
T.P.Chathiram, Opp. K-6 Police Station,
Chennai – 600 010.

3.The Revenue Officer (cum) Estate Officer,
No.2, Tamil Nadu Urban Habitant Development Board (TNUHDB),
(Formerly known as Tamil Nadu Slum Clearance Board,
Vyasarpadi, Chennai – 600 039.

..... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the representation dated 10.12.2021 requesting the transfer of allotment.

For petitioners : Mr.S.Mothilal Nehru

For Respondents :Mr.S.Karthikeyan
Standing counsel

ORDER

The writ petition is filed seeking a direction to the respondents to consider the representation of the petitioners dated 10.12.2021, requesting the transfer of allotment of the plot developed by the Tamil Nadu Urban Habitat Development Board (TNUHDB).

2. It is the case of the petitioners that the first respondent allotted a plot with an extent of 50 sq.meter in plot No.59, Avvaipuram, Chennai, in favour of one Kuppan, S/o.Vellaiyan by order dated 31.10.1984. After death of Kuppan on 05.06.1997 his only son viz., Shanmugam got the allotment order transfered in his



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name by the respondents. Subsequently, the said Shanmugam also died on 15.10.2017, the subject property was enjoyed by his wife Kamala as his sole heir. The petitioners are son and daughter of the above said Kamala's brother and sister. The above said Kamala executed Will on 06.10.2018 bequathing her right over the subject property in favour of petitioners by directing them to get pucca sale deed from the first respondent. Thereafter, she died on 09.10.2018. Therefore, based on the Will executed by Kamala, the petitioners submitted a representation seeking transfer of allotment order in favour of the petitioners. However, the said representation has not been considered. Hence, the petitioners have come before this Court.

3. The learned counsel appearing for the respondents by taking this Court to the counter affidavit filed on behalf of the respondents submits that allotment of the subject property stands in the name of one Shanmugam and all the legal heirs of Shanmugam are entitled to get the allotment changed in their name and therefore, the



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request of the petitioners for transfer of allotment cannot be considered, unless they produce necessary legal heirship certificate and No Objection Certificate from other heirs, if any.

4. It is the specific case of the petitioners that Shanmugam died on 15.10.2017 leaving behind his only heir Kamala and the petitioners are children of Kamala's sibling. In that case, it is for the petitioners to produce necessary legal heirship certificate of Shanmugam and Kamala to establish their rights seeking transfer of allotment order. If necessary certificate are produced by the petitioners before the first respondent, the same shall be considered and necessary orders shall be passed for transfer of allotment in favour of eligible legal heirs in accordance with law.

5. Accordingly, this writ petition is disposed of. No costs.

09.12.2024

Index : Yes/No



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Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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S.SOUNTHAR, J.

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