



WEB COPY

W.P.No.24438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.24438 of 2023

S.Senthamarai

.. Petitioner

VS

1.The Managing Director,
Tamilnadu Housing Board,
Nandanam, Anna Salai,
Chennai - 600 035.

2.The Executive Engineer and Administrative Officer,
Besant Nagar Division,
Tamilnadu Housing Board,
Besant Nagar, Chennai - 600 090.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to execute the sale deed pertaining to the flat premises situate at MIG M/14/7, Navabarath Colony, 2nd Street, Besant Nagar, Chennai - 90 in favour of the petitioner.

For Petitioner : Ms.S.Kamala Rani

For Respondents : Mr.S.Naganathan
for Mr.D.Veerasekaran
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking a mandamus directing respondents being the officials of Tamil Nadu Housing Board to execute sale deed in respect of Flat at MIG M/14/7,



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Navabarath Colony, 2nd Street, Besant Nagar, Chennai - 90 in her favour.

2. The affidavit filed in support of writ petition is rife with factual particulars, several of which have been disputed by respondents in their counter dated 23.09.2023. In the counter, respondents state that necessary documents such as legal heirship certificates and other documents have not been filed by the petitioner. These documents assume importance in view of the fact that cost of the flat, for which the petitioner seeks relief has been stated to have been paid by one J.Vijayakumaran, who passed away on 22.10.2020. Hence, execution of sale deed can only be done by legal heir of the deceased applicant.

3. It is clear that there are disputes in regard to legal heirship as even in the writ affidavit the petitioner has referred at paragraph 4 to certain difficulties in marital relationship between herself and the said J.Vijayakumaran. To be noted that the very factum of payments is also under a cloud. While the respondents state that payments have been made by J.Vijayakumaran, the petitioner states at paragraph 3 of writ affidavit that the allotment was made in her husband's name solely to enable him to obtain a loan from his office.



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4. Thus, it would remain to be ascertained by the respondents as to who has, in fact, paid for the flat and thereafter consider request of the petitioner strictly in accordance with law and prevailing Regulations. In doing so, any other person who may be required to be heard would also have to be issued notice and so heard and orders passed on representation dated 07.07.2023 thereafter within a period of 12 weeks from date of personal hearing.

5. This writ petition stands disposed in terms of this order. No costs.

02.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

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