



WEB COPY



W.P.No.25066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25066 of 2024

C.R.Mangamma

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai,
Chennai – 600 005.
2. The Estate Officer,
Estate Office – II,
Tamil Nadu Urban Habitat Development Board,
Vayasarpadi, Chennai – 600 039.
3. The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
Vyasarpadi Division Office,
Vyasarpadi, Chennai – 600 039.

4. C.S.Vijayakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondent 1 to 3 to issue allotment order of the property situate at Tenement No.35, 2nd Floor, Karimedu Colony, Chennai of the building in Block No.B, erected in S.No.1945/2 pt Tondiarpet Village measuring about 259 sq.ft. in favour of the



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petitioner as per her representation dated 06.03.2024 and evict the 4th respondent from the possession of the Tenement No.35, 2nd Floor, Karimedu Colony, Chennai of the building in Block No.B, erected in S.No.1945/2 pt Tondiarpet Village measuring about 259 sq.ft.

For Petitioner : Mr.M.R.Dhalapathy Vignesh Kumar

For Respondents 1 to 4 : Mr.G.Shivakumar
for RR1 to R3

ORDER

This petition has been filed seeking to direct the respondents 1 to 3 to issue allotment order for the property situated at Tenement No.35, 2nd Floor, Karimedu Colony, Chennai in Block No.B in S.No.1945/2 pt Tondiarpet Village measuring about 259 sq.ft. in favour of the petitioner as per her representation dated 06.03.2024 and evict the 4th respondent from the possession of the said property.

2. Since no adverse order has been passed against the fourth respondent, notice to the fourth respondent is dispensed with.

3. The case of the petitioner is that her father was allotted with the property bearing S.No.1945/2 pt Tondiarpet Village, Chennai by the first respondent vide registered sale deed dated 09.09.2009. Thereafter, the first



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respondent had issued a fresh allotment order dated 14.02.2019 to the petitioner's father as per the policy decision taken by the Government to demolish the existing tenement and to rebuild a multi-story building at the above site. Subsequently, the petitioner's father died on 27.02.2022, leaving behind his legal heirs. Since the legal heir of the deceased C.Srinivasalu, who is the legal heir of the petitioner's father, the fourth respondent herein has illegally obtained the keys of the aforesaid tenement from the authorities, the petitioner has made a representation dated 06.03.2024 before the respondents 1 to 3 seeking not to allot the tenement of the petitioner's father to the fourth respondent. Since, the same was not considered, the present writ petition has been filed.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 06.03.2024 and pass appropriate orders on merits and in accordance with law, within a particular time frame to be fixed by this Court.

5. The learned counsel appearing for the respondents 1 to 3 submitted



that initially the aforesaid property was allotted in favour of the petitioner's father. Pursuant to his death, a policy decision was taken by the Government to demolish the existing tenement and to rebuild a multi-story building at the above site. Subsequently, the said property was occupied by the fourth respondent, who is none other than the son of the petitioner's brother, against which, the petitioner raised objections before the respondents 1 to 3. Since the issue involved in the present case pertains to disputed questions of facts and is purely a civil dispute, the same has to adjudicated only before the competent civil Court, however, without doing so, filing the present petition seeking the aforesaid relief is wholly unsustainable. Accordingly, he prayed to dismiss the writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 1 to 3 and perused the materials placed on record.

7. In the light of the submission made by the learned counsel for the respondents 1 to 3 and as the issue involved in the present case pertains to



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disputed question of facts and is purely a civil dispute, which cannot be entertained under Article 226 of the Constitution, this Court without expressing any opinion on the merits of the case, grants liberty to the petitioner file a civil suit before the Jurisdictional Civil Court. Accordingly, the prayer sought for in this writ petition cannot be acceded to.

8. With the above observation and direction, this Writ Petition is dismissed. No costs.

02.09.2024

RAP

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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