



WEB COPY



W.P.No.30532 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.30532 of 2019

1. Smt.A.Jayakumari

2. Smt. Mary Manohari

3. Smt.Anitha

... Petitioners

Vs.

1. State of Tamil Nadu,
Rep by the Chairman,
Tamil Nadu Slum Clearance Board,
No 5, Kamarajar Salai, Chennai-5.

2. The Estate Officer,
Estate officer-2,
Tamil Nadu Clearance Board,
Vysarpadi, Chennai-39.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to execute the sale deed in favour of the petitioners with regard to the subject land and house bearing Plot No 20, Measuring 0.42.0, Door No 5, 3rd Cross street, Kathbada Part- II, Chennai-21, for which the Petitioners have made a representation dated 25.7.2019 to the respondents.



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For Petitioners : Mr.R.Malaichamy

For Respondents : Mr.G.Siva Kumar, Senior Counsel.

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ORDER

The writ of Mandamus has been instituted to direct the respondents to execute the sale deed in favour of the petitioners with regard to the subject land and house bearing Plot No 20, Measuring 0.42.0, Door No 5, 3rd Cross street, Kathbada Part- II, Chennai-21.

2. It is not in dispute, that one Susanammal was the original allottee of a housing plot by the Tamil Nadu Slum Clearance Board, now renamed as Urban Habitat Development Board. The allotment was of the year 1984. The original allottee Tmt.Susanammal died on 19.05.2000. The first petitioner claimed to be the legally wedded wife of one Arputhanathan, who claims to be the son of the original allottee Tmt.Susanammal and he also died on 20.12.1998. Petitioners 2 and 3 are the daughters of the first petitioner. The learning Counsel for the partitioner further states that the first petitioner Tmt.A.Jayakumari also died on 14.11.2022.

3. The learned counsel, appearing on behalf of the respondents mainly contended, the petitioners have not produced all the relevant records



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to establish their right to secure the sale deed from the hands of the Tamil Nadu Slum Clearance Board. The legal heir certificate of the original allottee, i.e., late. Tmt.Susanammal has not been produced for verification. In the event of producing all required documents, the case of the petitioner will be considered in accordance with the rules in force.

4. It is further contended that the original documents have to be produced for execution of the sale deed by the Slum Clearance Board. However, the petitioners have failed to do so and filed the present writ petition. It is needless to state that the petitioners, for securing sale deed from the Slum Clearance Board, have to furnish all the original documents for verification and to execute sale deed.

5. In view of the facts and circumstances, the petitioners are at liberty to submit all the requisite documents in original, enabling the authorities to consider the case of the writ petitioner by following the procedures, as contemplated under the rules. In the event of submitting all the original documents, the case of the petitioners are to be considered by following the procedures.



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6. With these observations, the writ petition stands disposed of. No costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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