



WEB COPY



W.P.No.31800 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31800 of 2019
and
W.M.P.No.34615 of 2022

1. K.Banumathi
2. Kalpana
3. Malini
4. Devalakshmi

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by the chairman and Managing Director,
Tamil Nadu Housing Board (TNHB),
Nandanam, Chennai-35.

2. The Executive Engineer/
Administrative Manager,
Tamil Nadu Housing Board (TNHB),
Erode Housing Unit,
Erode, Erode District.

3. Radhika Banu

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of Mandamus, directing the 2nd Respondent



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herein to carry out necessary entries in the housing allotment records and effect name transfer of the land House name transfer of the Tamil Nadu Housing Board (TNHB) House, having Door No.H9, 6802, Gobichettipalayam, HIG- 6802000009 Erode, Erode district, from the name of my husband into that of myself and my children being the Petitioners 2 to 4 herein and the 3rd Respondent herein and issue the sale deed and other relevant documents pertaining the said house.

For Petitioners : Mr.C.Venkatesan for
Mr.V.Gabriel

For Respondents : Mrs.P.Vijaya Devi,
Government Advocate (for R1);

Mr.D.Veena Sekaran,
Standing Counsel (for R2);

R3-Not ready in Notice.

ORDER

The relief sought for in the present writ petition is to direct the second respondent to carry out necessary entries in the housing allotment records and effect name transfer of the land house name transfer of the Tamil Nadu Housing Board (TNHB) House, having Door No.H9, 6802, Gobichettipalayam, HIG- 6802000009 Erode, Erode district, from the name of my husband, into that of myself and my children, being the



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Petitioners 2 to 4 herein and the 3rd Respondent herein and issue the sale deed and other relevant documents pertaining the said house.

2. The husband of the first petitioner, Late.K.S.Perumal was the original allottee of a Housing Board Plot in HIG House No.H-9 in Modacur Scheme at Gobichettipalayam. It is not in dispute that the original allottee, Late.K.S.Perumal paid the entire land cost. The original allottee Late. Mr.K.S.Perumal died on 10.06.2014.

3. The petitioner submitted an application to effect name transfer in the allotment order and to return the Sale Deed. However, the Housing Board raised an objection stating that all the legal heirs must be present for the purpose of handing over of the Sale Deed but they have no objection to effect name transfer as per the legal heir certificate.

4. It is not in dispute that the third respondent, Mrs.Radhika Banu, is also the elder daughter of the first petitioner, who is not co-operating for the purpose of receiving the Sale Deed from the Housing Board. It is for the petitioners to get no objection or an appropriate release from the third respondent for the purpose of handing over of the Sale Deed. However, the second respondent Housing Board shall effect name transfer by



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entering the name of the legal heirs of Late.K.S.Perumal for all record purposes. The petitioner is at liberty to secure appropriate consent or release from the third respondent for the purpose of receiving the Sale Deed from the Housing Board.

5. In view of the facts and circumstances, the second respondent is directed to effect name transfer in the allotment records, within a period of four (4) weeks from the date of receipt of a copy of this order. For receiving the sale deed, the petitioners have to obtain consent or release from the third respondent and on receipt of any such consent/release from the third respondent, the Housing Board shall return the other documents to the petitioners.

6. With these directions, the writ petition stands disposed off. No costs. Consequently, connected miscellaneous petition is closed.

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

To



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S.M.SUBRAMANIAM. J.,

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