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W.P.No.38158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.38158 of 2024

K.Babu

... Petitioner

VS.

1.The Principal Secretary To Government/Chairman, Tamil Nadu
Urban Habitat Development Board(TNUHDB)
No.5, Kamarajar Salai,
Chepaulk (near Vivekandha House), Chennai 60005.

2.The Estate Officer - IV
Estate Office - IV,
Tamil Nadu Slum Clearance Board,
Teynampet, (Opp. Alaiamman Temple)
Chennai 600018.

3.The Tahsildar,
Taluk Office (Guindy), No.69, /40, Ann Salai,
Little Mount, Guindy, Chennai 600032.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus,directing the respondents transfer the allotment of plot No.236, Door No.77, 3rd Street, Dharmapuram project area, T.Nagar, Guindy Taluk, Chennai District in favour of petitioner within a time frame as fixed by this Court.

For Petitioner

For Respondents 1 and 2

: Mr.M.R.Thangavel

: M/s.K.Indumathy Venkatesh
Standing Counsel (TNUHDB)

Mr.S.Balamurugan for R3
Government Advocate



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ORDER

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2.The petitioner herein seeks a direction to respondents to transfer the allotment of Plot No.236 in Door No.77, 3rd Street, Dharmapuram project area, T.Nagar, Guindy Taluk, Chennai in favour of petitioner within a time fixed by this Court.

3. It is the case of the petitioner that the above mentioned plot was originally allotted in favour of petitioner's grandfather Natesan. After death of Natesan, as per the order passed by the 1st respondent, the allotment was transferred in the name of Natesan's wife namely Rukmani Ammal. She had two children namely petitioner's mother Samundeswari and her brother Sivalingam. The petitioner's mother Samundeswari has got two children namely the petitioner and his brother K.Paulraj @ Balaji. It is further stated in the affidavit that Rukmani Ammal died on 21.10.1998. The petitioner's mother namely Samundeswari and father namely Kingsley were died on



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19.09.2009 and 17.12.2000 respectively. The petitioner's only brother also died on 24.09.2006. It is also stated by the petitioner that his maternal uncle Sivalingam was found missing from March 2002. Therefore, as on today, the petitioner is the only heir of Rukmani Ammal available and hence, he submitted a representation before the respondents on 30.09.2021 seeking transfer of allotment in the name of petitioner and the same has not been considered. Hence, the petitioner has come before this Court.

4. M/s.K.Indumathy Venkatesh, learned Standing Counsel (TNUHDB) takes notice for the respondents 1 and 2 and Mr.S.Balamurugan, learned Government Advocate takes notice for the 3rd respondent.

5. The learned Standing Counsel (TNUHDB) for the respondents 1 and 2 submits that the representation of the petitioner is not available in the office of the 1st respondent.

6. It is seen from the averments found in the writ affidavit that as on today, the petitioner and one Sivalingam are living heirs to the original



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allotee Natesan. Though it is stated by the petitioner that his maternal uncle namely Sivalingam has not been heard for the past 22 years, the respondents authorities cannot go into the question unless the petitioner get a declaration from the competent Civil Court with regard to his alleged civil death. Therefore, the request made by the petitioner for transfer of allotment exclusively in his name may not be possible at this stage. However, the 1st respondent can consider the representation of the petitioner and pass final orders on merits for transfer of allotment order in the name of deceased Rukmani Ammal in favour of her legal representatives provided the petitioner submits necessary death certificate and Legal Heirship Certificate etc., Therefore, the petitioner is directed to produce all supporting documents including relevant Death Certificate and Legal Heirship Certificate before the 1st respondent within a period of two weeks from the date of receipt of copy of this order. The 1st respondent shall consider the representation of the petitioner dated 30.09.2021 in the light of the documents to be submitted by the petitioner and pass final orders on its' own merits within a period of eight weeks from the date of submission of supporting documents by the petitioner.



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7. With the above directions, the writ petitions stands disposed of.

No costs.

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Index: Yes/No
Internet: Yes/No
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To

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S.SOUNTHAR, J.

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