



W.P.No.2167 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.2167 of 2025

1. Mrs.Amala Beula
2. Mary Sahana Roseline
3. Britto Cheriyan

...Petitioners

Vs.

1.The Chairman
Tamil Nadu Slum Clearance Board,
Now Known As Tamil Nadu Urban Habitat Development Board
Rep By Its Principal Secretary,
No 5, Kamarajar Salai Chepauk, Chennai 600 005

2.The Sub Registrar
Sub Registrar Office Mylapore
9, Kavignar Bharathidasan Road, Seetammal Colony,
MIG Colony Alwarpet, Chennai, Tamil Nadu 600 018

3.Carmel Salomi

4.Esopius

5.J. Monicka

6.A.Don Denila Queen

7.A.Kedenya Queen

8.A.Nancy Queen

9.A. Elias Antony Roy

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation dated 21.09.2024 and execute the sale deed in favor of the petitioners.

For Petitioner

: Mr.KMoorthy



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For respondents

:Mr.L.Venkatesan for R1
Standing Counsel (TNSCB)

Mr.M.Shajahan for R2
Special Government Pleader

ORDER

The petitioner herein seeks a direction to 1st respondent to consider his representation dated 21.09.2024 and execute the sale deed in favor of the petitioners.

2. It is the case of the petitioners that property situated in New Door No.15, Old Door No.13, Cenotaph Road, Pycroft Nagar, 1st Lane, Teynampet, Chennai-18 comprised in Survey No.3849/1, Plot No.13, Mylapore Village measuring an extent of 875 Sq.feet was originally allotted to 1st petitioner's mother-in-law and grandmother of petitioners 2 and 3 namely Arockiamary. She paid the entire dues to the 1st respondent. However, the sale deed was not executed in her favour by the 1st respondent. The said Arockiamary executed a Will bequeathing the subject property in favour her son and 1st petitioner's husband namely Francis Xavier. Subsequently, she died on 13.01.2000 leaving



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behind the 1st petitioner's husband Francis Xavier, his brother Esopious and three sisters namely Cathrine, Carmel and Mercy. The surviving siblings and legal representatives of deceased siblings of Francis Xavier are impleaded as private respondents 3 to 9 in the writ petition. Subsequently, Francis Xavier also died leaving behind petitioners herein as legal heirs. Since the sale deed was not executed in favour of original allottee namely Arockiamary, mother-in-law of the 1st petitioner, the petitioners herein submitted a representation before the 1st respondent on 21.09.2024 seeking execution of sale deed in favour of petitioners on the strength of the Will executed by the original allottee and the NOC issued by the private respondents and the same has not been considered. Hence, the petitioners have come before this Court.

3.Mr.L.Venkatesan, learned Standing Counsel (TNSCB) takes notice for the 1st respondent and Mr.M.Shajahan, learned Special Government Pleader takes notice for the 2nd respondent.

4. Since no adverse orders are passed against the respondents 3 to 9, notice to them are dispensed with.

5. The learned Standing Counsel (TNSCB) for the 1st respondent submitted that representation submitted by the petitioner will be considered on



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its' own merits within a time fixed by this Court. The learned Standing Counsel (TNSCB) further submits that the competent authority to consider the representation is the Secretary, Tamil Nadu Urban Habitat Development Board, Chennai.

6. In view of the same, without going into the merits of the claim made by the petitioners, the Secretary, Tamil Nadu Urban Habitat Development Board, Chennai is directed to consider the representation of the petitioner dated 21.09.2024 and pass final orders on its' own merits within a period of eight weeks from the date of receipt of copy of this order after issuing necessary notice to the petitioners, private respondents 3 to 9 and other interested parties.

7. With the above directions, this writ petition stands disposed of. No costs.

28.01.2025

Index : Yes/No

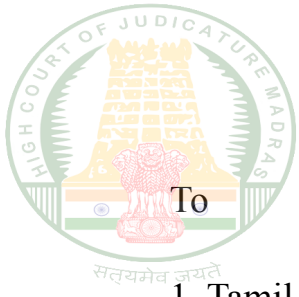
Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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Note:Registry is directed to mark the copy of the order to Secretary, Tamil Nadu Urban Habitat Development Board, Chennai.



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To
1. Tamil Nadu Slum Clearance Board,
Now Known As Tamil Nadu Urban Habitat Development Board
Rep By Its Principal Secretary,
No 5, Kamarajar Salai Chepauk, Chennai 600 005

2. The Sub Registrar
Sub Registrar Office Mylapore
9, Kavignar Bharathidasan Road, Seetammal Colony,
MIG Colony Alwarpet, Chennai, Tamil Nadu 600 018.

3. The Secretary,
Tamil Nadu Urban Habitat Development Board, Chennai.



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S.SOUNTHAR, J.

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