



W.P.No.19932 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.19932 of 2013

and

M.P.No.1 of 2013

D.Pandian

... Petitioner

Vs.

1.The Director (General)
Tamil Nadu State Health Transport Department
Guindy
Chennai 600 032.

2.The Assistant Engineer
Tamil Nadu Housing Board
Thirumangalam
Anna Nagar
Chennai 600 102.

3.N.Malarkodi

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order communication in Na.Ka.No.7319/C3/2012, dated



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21.11.2012 on the file of the first respondent and quash the same and further direct him to cancel all proceedings taken against the petitioner so far pursuant to the above impugned order passed in Na.Ka.No.7319/C3/2012, dated 21.11.2012 of the first respondent.

For Petitioner : No appearance

For Respondents : Mr.E.Sundaram for R1
Government Advocate

Ms.L.Jayasudha Balamurugan for R3

Mr.D.Veerasekaran for R2
Standing Counsel (TNHB)

ORDER

This Writ Petition is filed to call for the records relating to the impugned order made in Na.Ka.No.7319/C3/2012 dated 21.11.2012 on the file of the first respondent and quash the same and to further direct him to cancel all proceedings taken against the petitioner in so far pursuant to the above impugned order passed on 21.11.2012.



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2. The grievance of the petitioner is that when the allotment

of the house at No.160, Sharma Nagar, Vyasarpadi, Chennai-600 039 was made in favour of the petitioner's mother Ponnammal, out of love and affection the said Ponnammal wanted the petitioner to enjoy the said property and therefore she had even submitted a nomination nominating the petitioner as the allottee of the said house. However the third respondent who is the wife of pre-deceased brother of the petitioner, had taken up the issue very seriously and on her petition now the impugned orders are passed directing cancellation of the sale deed and further action is proposed be taken. No proper opportunity has been granted to the petitioner. Therefore, the petitioner has approached before this Court.

3. The Writ Petition is resisted by the respondents by filing a counter affidavit. It is the specific case of the respondents that the writ petitioner produced a forged legal heirship certificate. The legal heirship certificate depicted as if the petitioner alone is the legal heir of the late P.Dakshinamurthy and therefore the name transfer was made based on the forged document. In view thereof, when direction was granted in the earlier



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Writ Petition, the enquiry was undertaken and the impugned order is passed.

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4. The respondents categorically state that the legal heirship certificate is forged and the petitioner cheated the Tamil Nadu Housing Board. The copy of the forged legal heirship certificate contained in the file is also produced before this Court along with the report of the appropriate department informing that no such legal heirship certificate was indeed issued by the department.

5. In view thereof, when the petitioner has obtained the benefit by producing a forged certificate, the prayer made in the Writ Petition cannot be countenanced. Fraud is anathema to every transaction and when the petitioner has not even pleaded anything in the affidavit filed in support of the Writ Petition that the legal heirship certificate is only granted by the particular Office, then all his other contentions cannot be countenanced by this Court.

6. Accordingly, finding no merits, the Writ Petition stands



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dismissed. No costs. Consequently, connected Miscellaneous Petition is

WEB COPY closed.

03.03.2025

Neutral Citation : No
dna

To

1.The Director (General)
Tamil Nadu State Health Transport Department
Guindy
Chennai 600 032.

2.The Assistant Engineer
Tamil Nadu Housing Board
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D.BHARATHA CHAKRAVARTHY, J.

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