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W.P.No.6954 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.6954 of 2024

1.Rajamani
2.Janani
3.Shiva Jeevan
4.Shiva Jothie

... Petitioners

Vs.

1.Tamil Nadu Housing Board,
Represented by its Managing Director,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai – 600 107.

2.The Executive Engineer and Administrative Officer,
Besant Nagar Division,
Tamil Nadu Housing Board,
No.48, Dr.Muthulakshmi Salai,
Adayar, Chennai – 600 020.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Mandamus directing the respondents to execute



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and issue the sale deed in respect of HIG Flat No.H.54/13 at Thiruvanmiyur Extension Scheme (now known as H.54/13 South Breeze Apartments, South Avenue Kamaraj Nagar, Thiruvanmiyur, Chennai 600 041) in favour of the petitioners herein.

For Petitioner : Mr.N.Mathivanan

For R1 and R2 : Mr.D.Veerasekaran
Standing Counsel for TNHB

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents/Tamil Nadu Housing Board to execute and issue the sale deed in respect of HIG Flat No.H.54/13 at Thiruvanmiyur Extension Scheme (now known as H.54/13 South Breeze Apartments, South Avenue Kamaraj Nagar, Thiruvanmiyur, Chennai 600 041) in favour of the petitioners herein.



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2.The case of the petitioners is that a HIG Flat at Thiruvanmiyur

Neighbourhood Extension Scheme, Chennai, was allotted on 03.05.1991 to one K.Palanimuthu, who is the father of the 1st petitioner and maternal grandfather of the petitioners 2 to 4. The said flat was handed over to the allottee on 10.06.1991. Subsequently, another flat was also allotted to the said allottee K.Palanimuthu at Navalpattu Anna Nagar Scheme, Tiruchirapalli, on 03.09.1991. The said K.Palanimuthu died on 03.09.1998, leaving behind his wife Rathinammal, two daughters and one son. Later, on the ground of dual allotment, the respondents cancelled the allotment made at Thiruvanmiyur by order dated 07.05.2014. However, the wife of the allottee, namely Rathinammal, filed a writ petition in W.P.No.15950 of 2014 seeking to cancel the allotment at Trichy and issue sale deed in respect of Thiruvanmiyur flat. This Court, by order dated 20.06.2014 in the said writ petition, directed the respondents to consider the request of the said Rathinammal and pass appropriate orders. Thereafter, the possession of the flat at Trichy was handed over to the Housing Board on 14.12.2014. The



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flats at Thiruvanniyur became old and the Flat Owners Association filed a

writ petition in W.P.No.17400 of 2016 arraying the said Rathinammal as

respondent to direct the Housing Board to execute sale deed in favour of

Rathinammal to enable them to reconstruct the flats. This Court, by order

dated 01.06.2016 in the said writ petition, directed the Housing Board to

consider the request of the Association and pass appropriate orders.

Meanwhile, the said Rathinammal died on 11.07.2020. Her son and one of

the daughters also died. Now, the petitioners are the only surviving legal

heirs of the allottee. Hence, they submitted a representation, dated

29.12.2023, to the Housing Board to execute a sale deed in respect of the

Thiruvanniyur Flat in their favour. Since no action was taken by the

Housing Board, the petitioners have come forward with this writ petition.

3.In the counter affidavit filed by the Tamil Nadu Housing Board, the facts have not been disputed. The cancellation of allotment made at Trichy is not disputed in their counter affidavit. It is only stated that, since there is



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a dispute in the legal heirship certificates issued on 20.11.2009 and 18.02.2011, the respondents sent a communication to the Tahsildar by letter dated 18.04.2024 and the Tahsildar, in reply, has confirmed that the legal heirship certificate dated 20.11.2009 is not genuine and the legal heirship certificate dated 18.02.2011 is genuine. It is also stated in their counter that the respondents are ready to carry out the name transfer of the allotment made in favour of the allottee K.Palanimuthu to the petitioners in respect of Thiruvanmiyur Flat on production of original death certificates, legal heirship certificates and other relevant documents.

4.Considering the said admission in the counter affidavit, as there is no issue with regard to the dual allotment made earlier, one at Thiruvanmiyur, Chennai, and the other at Trichy, and the subsequent allotment made in favour of the original allottee K.Palanimuthu at Trichy had already been cancelled and the possession had also been handed over to the respondents, and now the petitioners are the only surviving legal heirs of



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the original allottee K.Palanimuthu and the other legal heirs have died, and

also having regard to the fact that the petitioners have produced all the necessary documents long back, this Court directs the petitioners to submit a copy of the legal heirship certificate, death certificates and all the other necessary documents before the respondents within a period of 10 days and on production of those documents, the respondents shall pass orders effecting name transfer of the allotment in respect of the Thiruvanmiyur Flat in favour of the petitioners, within a period of one month thereafter.

5. With these directions, this writ petition is allowed. No costs.

01.12.2025

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Internet : Yes

Index : Yes / No

Speaking order : Yes / No

Neutral Citation : Yes / No



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To

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