



W.P.No.12261 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.12.2025

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.12261 of 2023

T.Sasidhar

..Petitioner

Vs.

The Erode Housing Unit
Rep. By its Executive Engineer
and Administrative Officer
Sampath Nagar
Erode – 638 009

... Respondent

Writ Petition filed under Article 226 of Constitution of India for issuance of writ of mandamus directing the respondent to consider the petitioner's representation dated 13.03.2023 seeking change of allotment order to the name of the petitioner for the house in LIG House No.165 allotted under Dharapuram Small and Medium Town Scheme Phase – 1 in Letter No.B1/14446/90 dated 04.09.1992 and execute the sale deed in favour of petitioner.

For Petitioner ... Mr.N.Ponraj

For Respondent ... Mr.D.Veerasekaran
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the



W.P.No.12261 of 2023

respondent to consider the representation dated 13.03.2023 seeking transfer of allotment order in Letter No.B1/14446/90 dated 04.09.1992 to the petitioner's name.

2. It is the case of the petitioner that the petitioner's paternal uncle was provisionally allotted a house vide Letter No.B1/14446/90 dated 04.09.1992 and a sum of Rs.55,700/- was fixed as the tentative cost and the petitioner's uncle was also asked to pay a sum of Rs.750/- towards monthly installment and maintenance. Subsequently, on 10.03.1994, the value was refixed as Rs.66,500/-. According to the petitioner, his paternal uncle died on 09.07.2000 leaving a Will dated 02.06.2000 in favour of the petitioner bequeathing his properties including the subject property. The Will has also been proved before the civil Court viz., District Munsif, Dharapuram in O.S.No.368 of 2016 vide judgment and decree dated 09.02.2017.

3. The respondent has filed a counter affidavit. The learned Standing counsel adverting to the counter affidavit submitted that the writ petitioner is a Class II Legal Heir of the original allottee and only after submitting the required documents such as Death Certificate, Succession Certificate/Legal Heir Certificate, No Objection Certificate from other legal heirs etc., the

2/5



W.P.No.12261 of 2023

respondent will take an appropriate decision as per the existing norms of the Board and will issue a sale deed in favour of the petitioner.

4. I have carefully considered the rival submissions and perused the entire materials available on record.

5. The allotment of the house in favour of one K.Chinnasamy is not in dispute. The said Chinnasamy died testate on 09.07.2000 leaving a Will dated 02.06.2000 and the Will was also a subject matter of the suit in O.S.No.368 of 2016 and the Will has also been proved. In such view of the matter, the writ petitioner as a legatee is entitled to get all the rights which the legatee would get. When such being the position, obtaining No Objection Certificate from other legal heirs does not arise at all.

6. Accordingly, this writ petition is disposed of directing the writ petitioner to produce the requisite documents including the civil Court decree before the Authorities within a period of one week from the date of receipt of a copy of this order. On receipt of such documents, the respondent Housing Board shall consider the same and pass appropriate orders for name transfer as per the applicable Rules within a period of two months thereafter.

3/5



W.P.No.12261 of 2023

The writ petition is disposed of with the above direction. There shall be no order as to costs.

WEB COPY

01.12.2025

Index: Yes/No

Internet: Yes/No

NC: Yes/No

gpa

To

The Erode Housing Unit
Rep. By its Executive Engineer
and Administrative Officer
Sampath Nagar
Erode – 638 009



WEB COPY



W.P.No.12261 of 2023

N. SATHISH KUMAR, J

gpa

W.P.No.12261 of 2023

01.12.2025