



WEB COPY

WP No. 21847 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21847 of 2025

AND

WMP NO. 24624 and 24626 OF 2025

1. M.Jeevarekha
W/o.M.Manoharan,
Residing At Door No.100, Old
Vazhaima Nagar, Otteri Village,
Chennai-012.

2.E.Prema
W/o.Edanraj,
Residing At Door No.100, Old
Vazhaima Nagar, Otteri Village,
Chennai-012.

3.Tulasi Bai
S/o.Shivaraj, Residing At Door No.100,
Old Vazhaima Nagar, Otteri Village,
Chennai-012.

4. DEVENDRAN
S/o. Kodhandapani,
Residing At Door No.100, Old
Vazhaima Nagar, Otteri Village,
Chennai-012.

Petitioner(s)



Vs

1. The Secretary

Tamil Nadu Housing And Urban
Development, Chennai-05.

2. The Chairman

Tamil Nadu Slum Clearance Board,
Chennai-105.

3. Estate Officer - III,

Tamil Nadu Urban Habitat
Development Board, T.P. Chatram,
Chennai - 600 010. (R3 Cause Title
Amended Vide Order Dated 19.06.2025
Made In Wp.21847/2025 By Navj)

4. PUSHPA

W/o. Madhiahagan Door No.100,
Old Vazhaima Nagar, Otteri Village,
Chennai-012.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Certiorari to call for the records in proceedings of 1st respondent in CMC NO.E3/ 5261/ 2021 dated 1.11.2022 and quash the same and direct the Respondents herein to execute the sale deed regarding the property situated in Plot No.106 at Door No.100, Old vazhai Managar, Chennai- 012, ad-measuring 1.280.0 sq. mt. in favour of the petitioner 1 to 4 and Respondent 4 and pass orders.

For Petitioner(s): M/s.Sudharsana Sunder

For Respondent(s): Mr.S.Karthikeyan



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Standing Counsel for
Respondents 1 to 3.
Mr. G. Balasubramaniam For R4

ORDER

This writ petition has been filed challenging the proceedings of the 1st respondent dated 01.11.2022 and for a consequential direction to the respondents 1 to 3 to execute the sale deed in favour of the petitioners and the 4th respondent with respect to the subject property.

2. Heard M/s.Sudharsana Sunder, learned counsel for the petitioner and Mr.S.Karthikeyan, learned Standing Counsel for Respondents 1 to 3 and Mr. G. Balasubramaniam, learned counsel for 4th respondent.

3. The case of the petitioners is that the allotment was made in favour of their mother in the year 1988 through the proceedings of the 1st respondent dated 06.08.1988. The original allottee paid the sale consideration and she died on 07.02.1995 leaving behind two daughters and three sons.

4. The petitioners approached the 3rd respondent seeking for the allotment of the property and they were directed to pay the additional amount and they were also directed to produce the original allotment letter and the legal heirship certificate. Ultimately, the petitioners remitted the entire amount and sought for execution of the Sale deed. The same was rejected on the ground that



the sale deed will be executed only if all the legal heirs come before the Board.

The same has been put to challenge in the present writ petition.

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5. When the matter was taken up for hearing on 19.06.2025, the learned standing counsel appearing on behalf of the Board relied upon the Board proceedings dated 15.10.2008 and also produced the order passed by the Division Bench of this Court in WA No.1935 of 2022 dated 03.07.2024 and submitted that the board has to necessarily follow the directions issued by the Division Bench and to substantiate the same, the learned counsel relied upon Paragraph 8 of the order, which is extracted hereunder:-

8. We find, this problem is recurring in almost all cases where the slum clearance Board or the Tamil Nadu Housing Board execute a sale deed in favour of one of the heirs of the original allottee. This practice leads to multiplicity of litigations in the form of either partition suits or in the form of dispute regarding the stamp duty payable on subsequent documents. We therefore, make it clear that in future wherever an allottee dies before execution of the sale deed, the sale deed shall be executed only in favour of all the legal heirs, leaving it open to the legal heirs to relinquish their rights by a registered instrument, if need be. Both the Tamil Nadu Urban Habitat Development Board as well as the Tamil Nadu Housing Board will in future execute sale deeds in respect of properties where original allottee dies, prior to execution of sale deed, in favour of all the legal heirs and not in favour of one of the legal heirs.

6. On considering the submissions made by the learned Standing



counsel, this Court directed the learned counsel for the petitioners to take private notice to the 4th respondent.

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7. When the matter was taken up for hearing today, it is informed this Court that the 4th respondent has been served and the 4th respondent is represented through a counsel. The 4th respondent is willing to co-operate for completing the formalities.

8. In the light of the above development, it is left open to the petitioners and the 4th respondent to go before the Secretary, Tamil Nadu Urban Habitat Development Board, No.5, Kamarajar Salai, Chennai 600 105 and make a claim for the execution of the sale deed in their names. On receipt of such application, the authority shall verify the records and satisfy himself that the petitioners and the 4th respondent are the legal heirs of the original allottee and do the needful, within a period of six weeks from the date of receipt of a copy of this order.

9. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

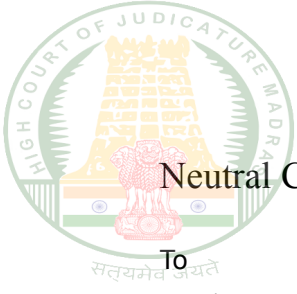
02-07-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes



Neutral Citation: Yes/No

To

1. The Secretary

Tamil Nadu Housing And Urban
Development, Chennai-05.

2. The Chairman

Tamil Nadu Slum Clearance Board,
Chennai-105.

3. Estate Officer - III

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N.ANAND VENKATESH J.

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