



WEB COPY

WP No.8018 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 05-03-2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**WP No. 8018 of 2026**

**And W.M.P.No.8670 of 2026**

1.P.J.Mangala kumar

2.M.Ashwin Imanuel

3.M.Angelin Chalce

... Petitioner (s)

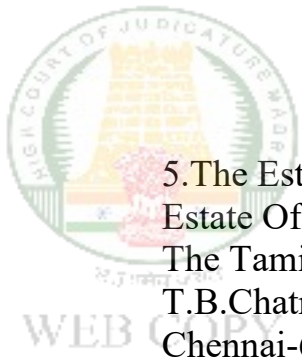
Vs

1.The Secretary to Government,  
Housing and Urban Development,  
Government of Tamil Nadu,  
Secretariate,  
Fort St George,  
Chennai-600 009.

2.The Chariman,  
The Tamil Nadu Habitat Development Board,  
Formally known as Tamil Nadu Slum Clearance Board,  
No.5, Kamaraj Salai,  
Chennai-600 009.

3.The Managing Director,  
The Tamil Nadu Habitat Development Board,  
Formally known as Tamil Nadu Slum Clearance Board,  
No.5, Kamaraj Salai,  
Chennai-600 009.

4.The Executive Engineer,  
Division-3,  
The Tamil Nadu Habitat Development Board,  
T.B.Chatram,  
Chennai-600 010.



5.The Estate Officer,  
Estate Office-3,  
The Tamil Nadu Habitat Development Board,  
T.B.Chatram,  
Chennai-600 010.

6.Esther Surendranath

..Respondent(s)

**Prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings Sa.Mu.Ka.No.E3/8154/2024 dated 4.2.2025 issued by the 3<sup>rd</sup> Respondent, the Managing Director, TNUHDB and quash the last Paragraph as its relates to directing the 1<sup>st</sup> Petitioner and the 6<sup>th</sup> Respondent herein to seek legal remedy in respect of the depute with regard to the right of ownership for the remaining land to the extent of 111.5 Sq.Mtrs., with the consequential direction to the Managing Director, TNUHDB, 3<sup>rd</sup> Respondent herein to carry out the name transfer along with the execution of the Sale Deed in favour of the legal heirs of the allottee deceased Kasthuri, the Petitioners herein to the remaining extent of 111.5 Sq.Mtrs., in Plot No.1472, G.K.M. Colony, Chennai-600 082

For Petitioner(s): Mr.C.V.Vijayakumar

For Respondent(s): Mr.Rajendiran,  
Addl. Government Pleader for R-1

Mr.S.Karthikeyan for RR-2 to 5



## **ORDER**

**Since separate court fee has been paid by the petitioners, W.M.P.No.8670 of 2026 filed seeking to grant permission to the petitioners to file a single writ petition seeking common relief is ordered as prayed for.**

2. Challenging the proceedings dated 04.02.2025 of the 3<sup>rd</sup> respondent, insofar as the direction to the 1<sup>st</sup> petitioner and the 6<sup>th</sup> respondent to seek legal remedy with regard to the dispute concerning the title to the remaining portion of the subject property to an extent of 111.5 Sq.Mtrs., the present Writ Petition has been filed.

3. The 1<sup>st</sup> petitioner is the father and the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are his son and daughter respectively. For the sake of convenience, the 1<sup>st</sup> petitioner herein will be referred to as “petitioner”.

4. Brief facts leading to filing of the present petition are as follows:-

It is the case of the petitioners that the subject plot was originally allotted to one V.M.Subramanian measuring to an extent of about 2400 Sq.Ft by the Tamil Nadu Slum Clearance Board in the year 1985. Subsequently, in the year 1994, the said property was allotted in favour of the petitioner’s wife. Out



of the total extent, one half of the property was constructed by her i.e., 1200 sq.ft while the other half of the property was left vacant. The remaining vacant portion was allegedly encroached by the 6<sup>th</sup> respondent who is none other than the petitioner's sister namely Esther Surendranath. As a result of which, a civil suit came to be filed by the petitioner's wife in O.S.No.8714 of 1997 before the XI Assistant city Civil Court, Chennai seeking permanent injunction restraining the 6<sup>th</sup> respondent from interfering with her peaceful possession however, the said suit was dismissed for default on 19.04.2000.

5. It is the further averment of the petitioner that the 6<sup>th</sup> respondent approached the Slum Clearance Board seeking allotment in her favour with respect to remaining half of the property claiming that the petitioner had received a sum of Rs.1,05,000/- from the 6<sup>th</sup> respondent with a promise to transfer the said portion in her favour. The petitioner also repeatedly made representations to the respondents seeking execution of sale deed in respect of the entire extent of the property i.e., 2400 sq.ft in favour of the legal heirs of the allottee late Kashturi. Pursuant thereto, the present impugned order has come to be passed stating that the name transfer and execution of sale deed will be carried out in favour of the legal heirs of the deceased Kasthuri, the wife of the petitioner in respect of one half of the property i.e., to an extent of 1200 Sq.ft with a further direction to the petitioner and the 6<sup>th</sup> respondent herein to seek legal remedy in respect of the remaining disputed portion of the property.



Aggrieved by which, the present Writ Petition has been filed.

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6. Learned counsel appearing for the petitioner submitted that the allotment was admittedly made in favour of the petitioner's wife viz., Kasthuri in the year 1994 and that the petitioners being the Class-I legal heirs are entitled to inherit the entire property. Therefore, respondent's failure to execute the sale deed in favour of the petitioner is not sustainable. Accordingly, he prayed this Court for passing appropriate orders.

7. Learned counsel appearing for the respondents submitted that the allotment was granted on 04.05.1994 based on the petitioner's wife's occupation of the property and that subsequently, she passed away in 1999. He further submitted that one half of the property was occupied by the petitioner's wife while the other half was occupied by the petitioner's sister. Thus, there is no legal impediment with regard to one half of the property however, the dispute concerning the other half of the property must be adjudicated only before the competent civil court.

8. Heard the learned counsel appearing on either side and perused the materials available on record.



9. Considering the admitted fact that there was a dispute between the petitioner and his sister after the demise of the petitioner's wife and the said dispute is civil in nature, the same can be resolved only before the competent civil court. Since the respondent, in the impugned order has concluded that there is no legal impediment to execute the sale deed in favour of the petitioner with respect to the land measuring to an extent of 1400 sq.ft., in his occupation, there shall be a direction to the respondents to execute the sale deed in favour of the 1<sup>st</sup> petitioner in respect of the said portion. Insofar as the remaining portion of the land measuring to an extent of 1400 sq.ft, the respondents are directed to maintain *status quo*. The person who succeeds the remaining portion of the property are at liberty to approach the respondents for execution of the sale deed.

10. With the above observation, the Writ Petition stands disposed of.  
There shall be no order as to costs.

**05-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

NHS



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**M.DHANDAPANI, J.**

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