



W.P.No.50275 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 50275 of 2025

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W.M.P.No. 56252 of 2025

1.M.Somasundaram

2.M.Balaji

...Petitioner

Vs.

1.The Chairman,
Tamil Nadu Housing Board,
Pocket 6, Board Office cum Commercial Complex,
CIT Nagar 1st Main Road,
Chennai 600 035.

2.Executive Engineer (KK Nagar Division),
C-48, TNHB Housing Complex,
3rd Floor, II Avenue, Anna Nagar,
Chennai 600 040.

...Respondents



W.P.No.50275 of 2025

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents to frame the proposed rebuilding scheme for Flat No.E.26, LIG, 7th Avenue, Ashok Nagar, Chennai 600 083 in their name by considering the petitioners' representation dated 10.09.2025 in the light of the judgement and decree dated 09.03.1990 passed in O.S.No.4161 of 1987 by the City Civil Court, Chennai.

For Petitioner : Mr. J.Titus Enock

For Respondents : Mr. D.Veerasekaran
Standing Counsel.

ORDER

This writ petition is filed for the following relief:

“To direct the respondents to frame the proposed rebuilding scheme for Flat No.E.26, LIG, 7th Avenue, Ashok Nagar, Chennai 600 083 in petitioner's name by considering the their representation dated 10.09.2025 in the light of the judgement and decree dated 09.03.1990 passed in O.S.No.4161 of 1987 by the City Civil Court, Chennai.”



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2. The case of the petitioners is that their father M.S.Muthappan purchased the property in Flat No.E.26, Ashok Nagar, Chennai 600 083, in the name of one Sivanesan, who possessed and enjoyed the property as his own property from the date of allotment. The said Sivanesan never disputed the same.

3. The petitioners would submit that their father filed O.S.No.4161 of 1987 before the City Civil Court, Chennai, praying for declaration that the property in Flat No.E.26 was allotted sham and nominally and as benami in the name of Sivanesan and for permanent injunction. This suit was decreed on 09.03.1990. The said M.S.Muthappan subsequently filed O.S.No.7305 of 1995 before the City Civil Court, Chennai, praying for a direction to respondents to mutate the Flat No.E.26 in his name in the respondents' official records. Pending the said suit, M.S.Muthappan died and the petitioners were brought on record as his legal heirs. The suit was decreed after contest on 11.03.2004. Both the decrees have attained finality.



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4. The petitioners would further submit that recently the respondents are proposing a rebuilding scheme for the entire housing board apartments. The petitioners sent representation dated 10.09.2025 to the respondents to frame the proposed rebuilding scheme for Flat No.E.26 in their name. Though the respondents have received their representation dated 10.09.2025, no action has been taken till date. Therefore, the petitioners are before this Court.

5. Considering the limited relief sought in this writ petition, the same is allowed. The respondents are directed to consider the petitioners' representation and dispose of the same within a period of 1 month from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed. No costs.

05.01.2026

Index : Yes/No
Internet : Yes/No

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W.P.No.50275 of 2017

To

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1.The Chairman,
Tamil Nadu Housing Board,
Pocket 6, Board Office cum Commercial Complex,
CIT Nagar 1st Main Road,
Chennai 600 035.

2.Executive Engineer (KK Nagar Division),
C-48, TNHB Housing Complex,
3rd Floor, II Avenue, Anna Nagar,
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