

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WA.No. 1887 of 2015 () IN WP(C).4879/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 4879/2015 of HIGH COURT OF KERALA
DATED 10-07-2015

APPELLANT(S) /PETITIONER:

SHEEJA AGED 30 YEARS
JANAKI MANDIRAM, ELAVOOR, PALLIMON.P.O.
KOLLAM.

BY ADVS.SRI.V.JAYAPRADEEP
SRI.V.JAYADHAR

RESPONDENT(S) /RESPONDENTS:

1. KERALA SMALL INDUSTRIES DEVELOPMENT CORPORATION
SANTHINAGAR, P.B.NO.50, THIRUVANANTHAPURAM-695 001
REPRESENTED BY ITS MANAGING DIRECTOR.

2. HEAD (IP/MIE/IE)
KERALA SIDCO, HOUSING BOARD BUILDINGS, SANTHI NAGAR
P.B.NO.50, THIRUVANANTHAPURAM-695 001.

3. NAVAS A
S/O.LATE ABDUL LATHEEF LEBBA, RESIDING AT PUTHENVEED
THRIKKOVILVATTOM VILLAGE, KOLLAM TALUK
KANNANALLOOR.P.O., KOLLAM DISTRICT-691 576.

BY SRI.S.M.ALTHAF
BY SRI.R.T.PRADEEP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.1887 of 2015

Dated this the 2nd day of September 2015

J U D G M E N T

Ashok Bhushan, CJ.

Heard.

2. This writ appeal has been filed by the petitioner challenging the judgment dated 10.7.2015 in W.P.(C) No.4879 of 2015. The petitioner had filed the writ petition seeking for the following reliefs :-

- i. Issue a writ of certiorari or any other writ order or direction calling for the records pertain to Exhibit-P1 & P6 and quash Ext.P6;
- ii. To declare that, the petitioner is also one of the applicants to the land mentioned in Ext.P1.
- iii. Issue a writ of mandamus or any other appropriate writ order or direction commanding the 2nd respondent to consider petitioner also as one of the applicants to the land mentioned in Ext.P1, and include her also in the remaining process pursuant to Ext.P1.
- iv. Issue a writ of mandamus or any other appropriate writ or order setting aside all actions done by the 2nd respondent pursuant to Ext.P1, and direct to restart the process of selling the land described in Ext.P1 afresh, after including this petitioner also in the list of intending purchasers."

3. Ext.P1 notice was issued by the Kerala SIDCO inviting applications for allotment of land in their custody to small scale industrialists. The petitioner submitted an application, but the

same was rejected by Ext.P6. The reason given in the rejection letter was that the Allotment Committee in its meeting held on 30.1.2015 has not considered the said application for allotment of vacant land due to belated submission of application. The petitioner was requested to apply for refund of EMD by surrendering the original Money receipt of EMD. Aggrieved by the said order, the petitioner has approached this Court. The learned Single Judge found that the application submitted by the petitioner was incomplete and further, the Project Report claimed to have been filed as produced in the writ petition was a different one from that which was submitted before the respondent. The learned Single Judge has observed the following in paragraph 5 of the judgment :-

“A bare reading of Annexure-III would indicate that the application was not in the proper form. Not even the place and date has been filled up in the application. The application is incomplete insofar as the material details being absent. Further, the Project Report claimed to have been filed as produced in the writ petition is a different one. The petitioner has produced a Project Report which was not produced before the SIDCO, which amounts to an abuse of process of Court. The specific averment made in the writ petition that Exhibit P5 was the Project Report filed along with the application is

dispelled by the production of Annexure-IV by the respondent-SIDCO.”

4. Counter affidavit has been filed by the 3rd respondent in the writ petition, in which, it was stated that the Project Report produced along with the writ petition is not the one actually submitted by the petitioner along with the application. It was further stated that the necessary information required to be furnished were not filled up in the application and the same was submitted without proper documents and without furnishing relevant informations.

5. Learned counsel for the appellant submits that the petitioner's application ought to have been considered by the Allotment Committee and without considering the application, the rejection was not proper.

6. We have considered the submissions made by the parties and perused the records.

7. From the materials brought on record, it does appear that the petitioner's application was placed before the Allotment Committee, but the Allotment Committee decided not to allot the plot on the petitioner's application due to deficiencies as pointed out. Present is not a case where, the application of the petitioner

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was not looked into by the Allotment Committee, rather, the Allotment Committee was not satisfied with the petitioner's application, which was unworthy of credence. The learned Single Judge has dismissed the writ petition and upheld the order of the respondent. We do not find any error in the order rejecting the petitioner's application. No grounds have been made out to interfere in the said judgment.

Accordingly, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//True Copy//

P.A. To Judge