

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 207 of 2015 (A)

PETITIONER(S) :

HAIRUNNISA A. ,
TIPUSULTAN PALACE, VELLAYANI JUNCTION,
NEMOM P.O. ,
THIRUVANANTHAPURAM- 695 020.

BY ADV. SRI.P.RAMAKRISHNAN.

RESPONDENT(S) :

1. KERALA SMALL INDUSTRIES DEVELOPMENT CORPORATION LIMITED. ,
PB NO.50, HOUSING BOARD BUILDING, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001,
REPRESENTED BY ITS MANAGING DIRECTOR.

*ADDITIONAL R2 IS IMPEADED

R2. VINOD V.S. ,
PULIVILA VEEDU, KAIMANOM,
PAPPANAMCODE P.O. ,
THIRUVANANTHAPURAM-695 018.

(*ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 09/01/2015 IN
IA NO.292/2015)

R1 BY ADV. SRI.R.T.PRADEEP.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1- TRUE COPY OF ORDER DATED 23.02.2012 ISSUED BY THE
RESPONDENT.

EXT. P2- TRUE COPY OF ORDER DATED 1.6.2013 OF THE RESPONDENT.

EXT. P3- TRUE COPY OF LETTER DATED 16.8.2013 FROM THE RESPONDENT TO
THE PETITIONER.

EXT. P4- TRUE COPY OF RECEIPT DATED 17.8.2013 ISSUED BY THE
RESPONDENT.

EXT. P5- TRUE COPY OF LETTER DATED 10.12.2014 FROM THE PETITIONER
TO THE RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.207 OF 2015
.....

Dated this the 15th January, 2015

J U D G M E N T

The petitioner is the proprietress of M/s. Venad Polymers, a business concern of processing of used Pet Bottles. The Unit is situated in an industrial estate run by the first respondent / Kerala Small Industries Development Corporation at Pappanamcode in Thiruvananthapuram district. The nearby plot was allotted to the Addl. second respondent/Vinod .V.A., who however did not make use of the plot for the industrial activity . In the said circumstance, the said plot was ordered to be resumed by taking appropriate steps by the first respondent. However, pursuant to the request made by the additional second respondent, resumption of the property was kept in abeyance as borne by Ext.P1 dated 23.02.2012.

2. In the course of further proceedings, the second respondent realised that he would not be in a position to start the unit for which the plot was allotted to him. Accordingly, an application was preferred before the first respondent /Industries Development Corporation to effect transfer of the said plot in the name of the petitioner herein. In the said circumstance, the

resumption order was cancelled, so as to facilitate such transfer to the name of the petitioner herein as per Ext.P2. Subsequently, the petitioner was let known as per Ext.P3 letter dated 16.08.2013, to satisfy a sum of Rs.10000/- as the processing fee for the transfer allotment. This was satisfied by the petitioner by effecting the deposit as per Ext.P4 dated 17.08.2014. After completing all the formalities, the petitioner submitted Ext.P5 before the first respondent /Industries Development Corporation to take further steps so as to transfer the property to the name of the petitioner. Since no positive action was taken, the petitioner was constrained to approach this Court by filing this writ petition.

3. When the matter came up for consideration before this Court on an earlier occasion, it was submitted from the part of the first respondent that after issuance of Ext.P2, the additional second respondent/Vinod informed the first respondent that he wanted to run the unit and as such, the property might not be transferred to the name of the petitioner. It was in the said circumstance, that the matter was kept pending.

4. This Court passed an order on 06.01.2015 in the following lines:

"The learned Standing Counsel for the respondent submits that, after Exts.P2 to P4, the original allottee by name Mr. Vinod has taken a U-turn stating that he wants to continue the unit and hence allotment could not be finalized in favour of the petitioner. The sequence of events prima facie suggests that such a course could not have been entertained by the respondent. However, the matter requires to be considered after affording an opportunity to the original allottee as well. The petitioner is required to implead the original allottee in the party array."

After impleading the second respondent /Vinod , notice was ordered to be issued. Despite completion of service of notice, the additional second respondent has not chosen to appear before this Court.

5. In the above circumstance, this Court finds that the second respondent does not have any right or tenable ground to resist the reliefs sought for, to have the land transferred to the

name of the petitioner, in terms of Exts.P2 to P4. The first respondent/Industries Development Corporation is directed to finalise the proceedings pursuant to Ext.P2, taking note of the deposit of the requisite fee satisfied by the petitioner as per Ext.P4, at the earliest, at any rate, within one month from the date of receipt of a copy of the judgment.

The writ petition stands disposed of.

**P.R.RAMACHANDRA MENON
JUDGE**

/k