

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

W.P.(C).No.4879 of 2015 (H)

PETITIONER(S):

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

BY ADVS.SRI.V.JAYAPRADEEP
SRI.SHANE WILFRED MORRIS.

RESPONDENT(S):-

1. KERALA SIDCO, HOUSING BOARD BUILDING BUILDINGS,
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.

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

[ADDL. 3RD RESPONDENT IS IMPEADED AS PER ORDER
DATED 01.06.2015 IN IA 6645/15].

R1 & 2 BY ADV. SRI.R.T.PRADEEP
ADDL R3 BY ADV. SRI.S.M.ALTHAF.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1. COPY OF THE PUBLIC NOTICE DATED 8.12.14 IN THE MATHRUBHOOMI DAILY ON 11.12.14.
- EXHIBIT P2. COPY OF THE SAID TERMS AND CONDITIONS DATED 3.2.15.
- EXHIBIT P3. COPY OF RECEIPT ISSUED BY THE RESPONDENT CORPORATION ON 24.12.14.
- EXHIBIT P4. COPY OF THE SSI REGISTRATION CERTIFICATE/ACKNOWLEDGMENT DATED 23.12.14 OF THE KERALA STATE INDUSTRIES DEPARTMENT.
- EXHIBIT P5. COPY OF THE PROJECT REPORT.
- EXHIBIT P6. COPY OF THE LETTER DATED 4.2.14 ISSUED BY R2.
- EXHIBIT P7. COPY OF THE REPLY TO THE PETITIONER TO R2 DATED 9.2.15.

RESPONDENT(S)' EXHIBITS/ANNEXURES:-

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| ANNEXRE-I | TRUE COPY OF PRESS RELEASE DATED 8.12.2014. |
| ANNEXURE-II | TRUE COPY OF TERMS AND CPONDITIONS OF ALLOTMENT BROUGHT OUT BY NOTIFICATION DATED 8.12.2014. |
| ANNEXURE-III | TRUE COPY OF APPLICATION FOR ALLOTMENT OF LAND WHICH IS NIL DATE BY PETITIONER. |
| ANNEXURE-IV | TRUE COPY OF PROJECT REPORT ACCOMPANYING THE APPLICATION OF PETITIONER. |
| ANNEXUIRE-V | TRUE COPY OF COMMUNICATION DATED 19.1.2015 FROM ESTATE MANAGER TO 2ND RESPONDENT WITH THE QUERIES ANSWERED UNDER THE RTI ACT. |
| ANNEXURE-VI | TRUE COPY OF COMMUNICATION DATGED 4.2.2015 BY WHICH PETITIONER WAS INFORMED OF THE REASON OF REJECTION OF APPLICATION FOR ALLOTMENT. |
| ANNEXURE-VII | TRUE COPY OF MINUTES OF THE ALLOTMENT COMMITTEE DATED 30.1.2015. |
| ANNEXURE-VIII | TRUE COPY OF PROCEEDINGS DATED 2.2.2015 AS TO THE ALLOTMENT OF PLOT TO SRI.A.NAVAS. |

- EXT.R3(a) TRUE COPY OF THE ORDER ISSUED BY THE MANAGING DIRECTOR, SIDCO ALLOTING LAND TO SMT.T.RAJESWARY DATED 27.12.2013.
- EXT.R3(b) TRUE COPY OF THE ORDER ISSUED BY THE MANAGING DIRECTOR, SIDCO ALLOTING LAND TO MR.RAMACHANDRAN DATED 18.12.2013.
- EXT.R3(c) TRUE COPY OF THE ORDER ISSUED BY THE MANAGING DIRECTOR, SIDCO ALLOTING LAND TO MR.RAMACHANDRAN DATED 03.12.2014.
- EXT.R3(d) TRUE COPY OF THE REPORT SUBMITTED TO THE MANAGING DIRECTOR SIDCO BY A COMMITTEE.
- EXT.R3(e) NOTIFICATION FOR ALLOTMENT OF VACANT LAND IN MINI INDUSTRIAL ESTATE DATED 08.12.2014.
- EXT.R3(f) APPLICATION SUBMITTED BY THE PETITIONER PURSUANT TO THE NOTIFICATION.

Vku/-

[true copy]

K. Vinod Chandran, J.

W.P.(C).No.4879 of 2015-M

Dated this the 10th day of July, 2015

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner, despite making an application, has not been considered for the allotment which was notified as per Exhibit P1. The petitioner was issued with a rejection letter, produced at Exhibit P6. According to the petitioner, the application of the petitioner was rejected at the threshold stage itself, since the application was submitted belatedly. However, the learned counsel would specifically refer to Exhibit P3, which shows that the petitioner had made an application on 24.12.2014 as provided in Exhibit P1 notification. The petitioner's claim is that the petitioner's allotment has to be considered by the Committee which made the allotment, to the additional 3rd respondent.

2. A reading of the notification would indicate that applications were to be made through the Officer-in-charge of the (SIDCO Mini Industrial Estate, Thrikkovilvattom) Industrial Estate, Umayanalloor, Kollam on or before 24.12.2014. Though the

SIDCO had a contention that Exhibit P3 receipt was obtained by coercion, no reliance can be placed on that contention, since Exhibit P3 specifically indicates that the application was filed within time as per Exhibit P1, on 24.12.2014.

3. With respect to the non-consideration of the application, the learned Standing Counsel for the 1st respondent as also the learned counsel for the additional 3rd respondent refer to Exhibit P6, which raises, not only the ground of belated submission, but also rejects the petitioner's tender on the ground that the application and the connected documents were not filed in a proper manner.

4. The petitioner, in fact, has produced a Project Report at Exhibit P5, which is said to have been submitted along with the application made by the petitioner. The petitioner has not chosen to produce a copy of the application, as such. The copy of the application made by the petitioner has been produced as Annexure-III and the Project Report produced as Annexure-IV. On a specific query put to the learned counsel for the petitioner, the learned counsel admits that Annexures-III and IV are the respective application and Project Report submitted before the

SIDCO. It is also to be noticed that no reply has been filed refuting that Annexures-III and IV are not the application or Project report filed by the petitioner.

5. 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.

6. There is absolutely no necessity for a reconsideration, since evidently it is on a consideration on the application that it was found to be not proper. The learned counsel for the petitioner would contend that in fact the application ought to have been scrutinised by the Committee. There is absolutely no necessity so to do, since the application

filed was incomplete and not in the proper manner. The Committee would be disabled from evaluating the need of the applicant as against the need projected by the additional 3rd respondent. For the additional reason of finding the writ petition to be an abuse of process of this Court, the writ petition would stand dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

Vku/-

[true copy]