

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 26476 of 2015 (H)

PETITIONER(S):

**SRI VIGNESH CHEMICALS, 636,
NEW INDUSTRIAL DEVELOPMENT AREA,
KANJIKODE, PALAKKAD-678 621,
REPRESENTED BY ITS PROPRIETOR R.T. SATHISH.**

BY ADV. SRI.P.R.VENKETESH.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF INDUSTRIES, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
PALAKKAD-678 001.**

BY GOVT. PLEADER SRI.GIKKU JACOB.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1 : TRUE COPY OF THE JUDGMENT DATED 03-03-2005 IN OP.NO.30633/2000 AND WP(C).NO.40528/2003 OF THIS HON'BLE COURT.
- P2 : TRUE COPY OF THE JUDGMENT DATED 23-11-2006 IN OP.NO.7270/1997 OF THIS HON'BLE COURT.
- P3 : TRUE COPY OF THE ORDER DATED 13-07-2011 THE CIVIL APPEAL NO.2262/2007 OF THE HON'BLE SUPREME COURT.
- P4 : TRUE COPY OF REVENUE RECOVERY NOTICE ISSUED ON 28-05-2004 BY THE KSEB TO THE PETITIONER.
- P5 : TRUE COPY OF THE COMMUNICATION DATED 24-03-2006 ISSUED TO THE PETITIONER BY THE BOARD.
- P6 : TRUE COPY OF THE ATTACHMENT MAHAZAR PREPARED ON 11-06-2004 BY THE KSEB.
- P7 : TRUE COPY OF THE LETTER DATED 07-07-2015 SUBMITTED BY THE PETITIONER BEFORE THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, PALAKKAD.
- P8 : TRUE COPY NOTICE DATED 29-07-2015 ISSUED BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, PALAKKAD TO THE PETITIONER.
- P9 : TRUE COPY OF REPRESENTATION DATED 04-08-2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P10 : TRUE COPY OF LETTER DATED 13-08-2015 SUBMITTED BY THE PETITIONER BEFORE 2ND RESPONDENT.
- P11 : TRUE COPY OF THE AGREEMENT DATED 06-03-1995 BETWEEN PETITIONER AND GOVERNMENT.
- P12 : TRUE COPY OF LAND ALLOTMENT LETTER DATED 04-03-1995 TO THE PETITIONER BY THE 2ND RESPONDENT.
- P13 : TRUE COPY OF THE PROCEEDINGS DATED 13-08-2015 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26476 of 2015

Dated this the 14th day of September, 2015

JUDGMENT

The petitioner, impugning proceedings of the General Manager of District Industries Centre, Palakkad, have approached this Court. Ext.P3 is the impugned order.

2. By Ext.P13, the land allotted to the petitioner was ordered to be resumed. It is noted in the impugned order that the Kerala State Electricity Board (KSEB) disconnected the power supply in the year, 2003 and the petitioner stopped functioning of the Unit.

3. The petitioner submits that it is on account of the dispute with the KSEB, they were unable to function the Unit. It is further submitted that based on the judgment of the Hon'ble Supreme Court, now they are attempting to revive the Unit and start the production.

4. Learned Government Pleader submits that land value is due from the petitioner and it is on account of the fact that the Unit remain idle, they have taken action. It is further submitted that

many young entrepreneurs are waiting for allotment.

Considering the facts and circumstances, this Court is of the view, the petitioner should be given an opportunity. Therefore, following directions are issued:

- i. The petitioner shall remit the land value within one month from today.
- ii. The petitioner shall make available all the materials to show that the Unit is ready to function before the second respondent.
- iii. This shall be done within three months from today.
- iv. If the petitioner is able to show that the Unit has commenced and has not violated any terms and conditions, they shall be permitted to operate the Unit as per the allotment order.
- iv. To work out the reliefs as above and to see that the petitioner's Unit is functioning, for a period of six months from today, no action shall be taken against them by Ext.P13.

- v. If the petitioner complies with the above conditions, Ext.P13 shall be revoked by the second respondent after the expiry of six months.
- vi. However, if the petitioner fails to abide by any of the conditions as above, the second respondent is free to implement Ext.P13 after the period of six months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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