

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.03.2015

CORAM

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

W.A.No.1107 of 2012
and
M.P.No.1 of 2012

Mrs.V.Mangeshwari .. Appellant

vs

1. The Tamil Nadu Small Industries Development Corporation Ltd.,
rep.by the Chairman and Managing Director, Garments Complex-II
Near Electronics Complex
Industrial Estate
Guindy, Chennai 600 032.
2. The Branch Manager
TANSIDCO Branch Office
Thiru.Vi.Ka.Industrial Estate
Guindy, Chennai 600 032.
3. The State of Tamil Nadu
rep.by its Secretary to the
Department of Micro Small
and Medium Enterprises
Fort St.George, Chennai 600 009.

.. Respondents

R3 impleaded as party respondent
vide order of Court dated 18.11.2014
passed in M.P.No.1 of 2014 in
W.A.1107 of 2012 [NPVJ & PRSJ]

Prayer : Writ Appeal against the order of this Court dated 16.03.2012
passed in W.P.No.26849 of 2007.

Filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to hand over vacant possession of the developed plot bearing No. PK -4 & 16 of a total extent of 12,100 sq.ft in the Industrial Estate, Guindy, allotted in pursuant to the orders of the first respondent by his proceedings bearing No. 10250/IE-3/95-2 dated 12.7.95 and execute the sale deed in favour of the petitioner

For Appellant : Mr.S.Rajendra Kumar
for M/s.Norton and Grant

For Respondents : Mr.V.P.Sengottuvel for
RR1 and 2
Mrs.A.Sri Jayanthi
Special Government Pleader for R3

J U D G M E N T

(Judgment of the Court was delivered by V.RAMASUBRAMANIAN.J.,)

The appeal arises out of the dismissal of a writ petition filed by the appellant seeking a direction to the Tamil Nadu Small Industries Development Corporation to handover the industrial plots and also to execute the sale deed in respect of the same.

2. Heard Mr.S.Rajendra Kumar, learned counsel for the appellant; Mr.V.P.Sengottuvel, learned counsel for respondents 1 and 2 and Mrs.A.Sri Jayanthi, learned Special Government Pleader appearing for the Government of Tamil Nadu already impleaded as the third respondent.

3. The appellant was allotted two industrial plots bearing Nos.PK- 4 and 16 in Guindy Industrial Estate by an order dated 12.07.1995. The entire cost of the plots was paid by the appellant as evidenced by the acknowledgement dated 23.08.1995.

4. However, a show cause notice dated 22.06.2006 was issued to the appellant proposing to cancel the allotment on the ground that the plots come under the common purpose area. Therefore, she filed a writ petition seeking a mandamus in W.P.No.26849 of 2007. The writ petition was dismissed by the learned Single Judge by an order dated 16.03.2012 on the short ground that no common purpose area can be allotted. Aggrieved by the said order, the allottee has come up with the above appeal.

5. During the course of hearing of the appeal, on the earlier occasions, it was brought to our notice that the neighbouring plots have been handed over and that the contention that the plots in question were lying in a common purpose area was only a bogey. In the light of the said stand and also in the light of the stand taken by the respondents 1 and 2 that, proposals were pending with the Government from the year 2010 onwards for ratification of the allotment of such plots, we directed the impleadment of the State Government as a party. After verification, it was informed by the learned Special Government Pleader that the proposals for ratification of the allotment of such plots were pending with the Government.

6. Therefore, we passed an order on 27.02.2015 to the following effect:

"In the counter affidavit filed on behalf of the State of Tamil Nadu, it is stated that a proposal is pending with the Government from the year 2010 and that the Government will pass orders. The relevant portion of the counter affidavit of the Government reads as follows:

"A proposal on this subject was received from the first respondent/respondent herein by the Government on 19.11.2010. As the process of regulating the allotment of impugned industrial plot which comes under common purpose/public purpose/open space reservation area, that the allotment is in violation of the approved master plan, which involves huge work and consultation with many departments and a policy level decision from the Government. However, the third party/proposed respondent herein is taking effective steps to issue necessary orders in this case. There are several similar applications also pending for ratification from the Government. It is humbly submitted that immediately after receipt of the approval, appropriate orders will be issued in this matter."

2. In view of the above, there will be an interim direction to the third respondent, namely, the State of Tamil Nadu to pass orders at least on the proposal with respect to the land allotted to the appellant, within a period of three weeks and file a compliance report.

Post on 20.03.2015."

7. In pursuance of the said order, the Government have now issued D.O.Letter No.11470/C/2014-6 dated 24.03.2015. The letter reads as follows:

"I am to invite kind attention to the references cited and to state that your proposal received in the reference first cited is under active consideration of Government and it will take some more time to issue final orders.

2. In the meantime, the High Court of Madras in its order dated 27.02.2015 in W.A.1107/2012 against the W.P.No.26849/2007 filed by Mrs.V.Mangeswari, Proprietrix of

M/s.M.G.Naidu and Co. [one of the cases referred to in your proposal (Sl.No.35-Annexure-3) sent for ratification) has ordered that the third respondent namely, the Secretary to Government, Micro, Small and Medium Enterprises Department, State of Tamil Nadu to pass orders at least on the proposal with respect to the land allotted to the appellant, within a period of three weeks and file a compliance report.

3. Considering the orders of High Court, Madras dated 27.02.2015 and in order to avoid any contempt proceedings in this instant case, I am to request you to take immediate action to hand over the Plot Nos.PK4 and PK16 to Mrs.V.Mangeswari, Proprietrix of M/s.M.G.Naidu and Co., Industrial Estate, Guindy, pending issue of final orders on the proposal of SIDCO in the reference first cited and send your compliance report to Government as early as possible."

8. In the light of the above communication, the respondents 1 and 2 are now required to hand over the plots and execute the sale deeds.

9. Therefore, the writ appeal is disposed of directing the respondents 1 and 2 to act in accordance with the Government letter dated 24.03.2015 and handover the plots and also execute the sale deeds, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Chairman and Managing Director
The Tamil Nadu Small Industries
Development Corporation Ltd.,
Garments Complex-II
Near Electronics Complex
Industrial Estate
Guindy, Chennai 600 032.

2. The Branch Manager
TANSIDCO Branch Office
Thiru.Vi.Ka.Industrial Estate
Guindy, Chennai 600 032.

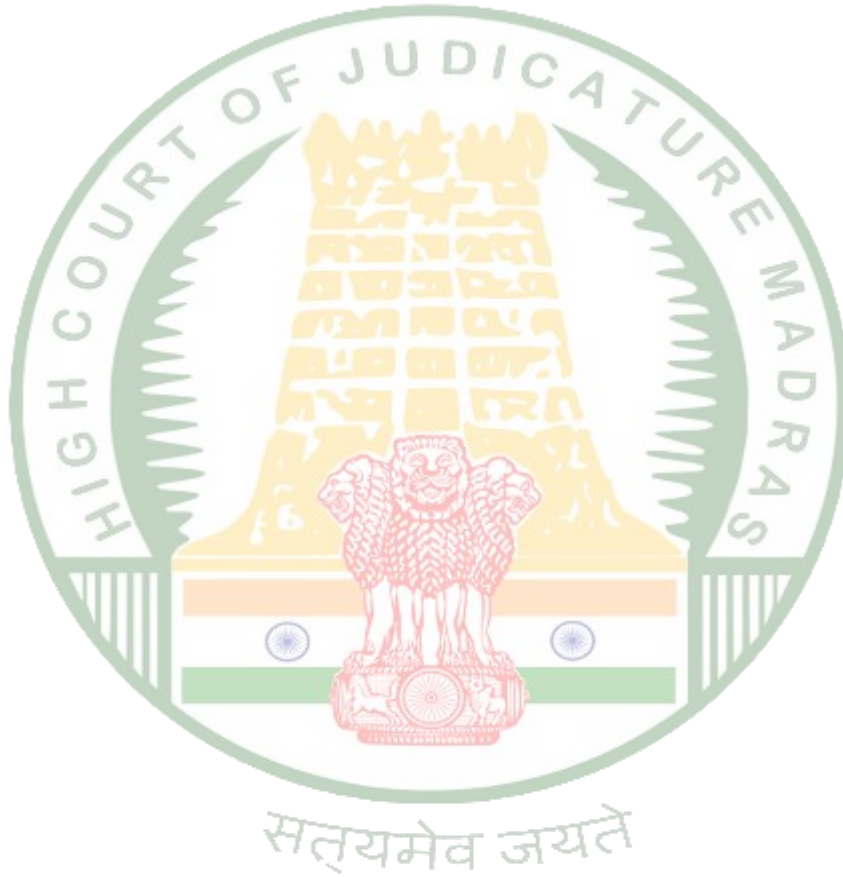
3. The Secretary to the
Department of Micro Small
and Medium Enterprises
Fort St.George, Chennai 600 009.

+1 cc to Government Pleader,SR.17443

+1 cc to M/s.Norton & grant, Advocate,SR.17491.

ts(co)
krd 10/4

W.A.No.1107 of 2012



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