

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.27946 of 2015

Reji Varghese

[ Petitioner ]

Vs

1. Tamilnadu Small Industries  
Development Corpn. Ltd.  
(A Govt. of Tamilnadu undertaking)  
SIDCO Corporate Office Building,  
Thiru-vi-ka Industrial Estate,  
Guindy, Chennai-600 032.
2. Government Additional Chief Secretary  
Micro, Small and Medium  
Enterprises Department, Secretariat,  
Chennai- 600 009.

[Respondents ]

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of mandamus directing the second respondent to issue the G.O. to grant permission to first respondent to execute and register sale deed in favour of the petitioner entity.

For Petitioner : Mr.G.Guruprasath  
for M/s. IPN Associates

For Respondent- : Mr.M.S.Ramesh, AGP  
For Respondent-2 : Mr.Abdul Saleem

WEB COPY  
ORDER

For the business establishment in the industrial estate and for allotment of lands, the petitioner submitted an application on 05.12.1992. Accordingly, an allotment order dated 24.02.1993 was issued thereby, directing the petitioner to remit the land cost. According to the petitioner the said additional land cost was paid on 27.03.1993 as supported by its communication dated

29.03.1993. The first respondent by letter dated 03.12.1993, informed the Corporation of Madras about the approval of the building plan as well as the no objection granted in favour of the petitioner. With the correct extent of land, a revised transfer charge certificate dated 22.06.1995 was also issued. After obtaining all the necessary approvals, the petitioner constructed the building and the business is being carried out without any interruption from any of the Government Departments. The petitioner had also paid all the necessary fees, charges, property tax, water tax etc., to the authorities concerned. Subsequently, for the purpose of executing the sale deed, the petitioner made several representations, but there is no response. The petitioner is struggling for the past 22 years for getting the sale deed executed. Since the adjacent allottees had already received the sale deed executed, the petitioner was left out and hence, several representations to the respondents have been made. It is the contention of the petitioner that by G.O.Ms.No.155, dated 13.11.2009, the second respondent permitted the first respondent to execute and register the sale deeds and accordingly, the sale deeds in respect of other allottees were registered and released. Even in the year 2012 following G.O.Ms.No.155 a sale deed was executed to the adjacent Plot No.10 and the same was also handed over. As far as the remaining 470 allottees are concerned, the first respondent sought permission from the second respondent to register the sale deeds on account of un-traceability of the documents during the relevant point of time. Thereafter according to the petitioner no communication to that effect was received and the petitioner obtained information under the Right to Information Act and the first respondent by letter dated 20.05.2015 informed that they are awaiting permission which is pending before the Government/second respondent for ratification. Once the ratification order is issued there may not be any impediment for the authorities in registering the sale deed. Since such ratification has not been given, finding no other alternative, having waited for more than 22 years, the petitioner has approached this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and the learned Additional Government Pleader appearing for the first respondent.

3. It can be easily visualised that some of the allottees had already been got their plot registered by the authorities and necessary sale deeds had also been released. With regard 470 allottees, now awaiting for the ratification to be done by the second respondent. There is no valid as well as legally sustainable reason for not granting the ratification as on date. There is also no impediment for the second respondent for ratifying the same, since the petitioner as well as the other allottees had already paid the enhanced plot value. For all

these reasons, the second respondent is directed to pass necessary orders of ratification so as to register the sale deed as far as the petitioner is concerned within a period of four weeks from the date of receipt of a copy of this order. On such ratification, the first respondent is directed to register the sale deed and release the document if the petitioner complies other legal requirements towards registration of the sale deed.

This writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar (CO)

True Copy  
Sub Assistant Registrar

To

1. Tamilnadu Small Industries  
Development Corpn. Ltd.  
(A Govt. of Tamilnadu undertaking)  
SIDCO Corporate Office Building,  
Thiru-vi-ka Industrial Estate,  
Guindy, Chennai-600 032.
2. Government Additional Chief Secretary  
Micro, Small and Medium  
Enterprises Department, Secretariat,  
Chennai- 600 009.

+2cc to Mr.S.Ravi, Advocate Sr.65872  
+1cc to Mr.Abdul Saleem, Advocate sr.65983  
+1cc to The Government Pleader sr.65943

सत्यमेव जयते

W.P.No.27946 of 2015

ev[co]  
srg 16/12/2015

WEB COPY