

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.14290 of 2016

M/s.Sreyes Syntans (P) Ltd.,
Rep. by its Managing Director S.Kumar,
having registered Office at
No.10, 1st Street, AB Block,
Anna Nagar, Chennai-600 040. Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep. by its Secretary,
Department of Micro and Macro Industries,
Chepauk, Chennai.
- 2.The Tamil Nadu Small Industries
Development Corporation,
rep. by its Chairman and Managing Director
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-600 058.
- 3.The Branch Manager,
SIDCO Branch Office,
Industrial Estate,
Kakallur-602 003,
Thiruvallur District. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to pass appropriate orders of ratification on the basis of G.O.Ms.No.21, dated 29.03.2016, to enable the second and third respondents to execute sale deed in pursuance to their letter R.C.No.411/C/11-11, dated 11.06.2012 in favour of the petitioner.

For Petitioner : Mr.V.Srinivasa Babu

For respondents : Mr.K.Thangapandi, (For R1)
Government Advocate
Mr.Abdul Saleem (For R2 & R3)

ORDER

By consent of both sides, the writ petition is taken up for final disposal.

2.This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to pass appropriate orders of ratification on the basis of G.O.Ms.No.21, dated 29.03.2016, to enable the respondents - 2 & 3 to execute sale deed in pursuance to their letter R.C.No.411/C/11-11, dated 11.06.2012, in favour of the petitioner.

3.It is stated by the petitioner that the 2nd respondent by office allotment order No.1501/AL1/95 dated 10.03.1995, had allotted developed plot bearing No.53 measuring to an extent of 0.247 acres in the SIDCO Industrial Estate at Kakallur comprised in S.F.No.274 part and 276 part of Kakallur Village in Thiruvallur District in favour of one M/s.Thirumal Chemical Works, a proprietary concern, represented by its Proprietor Thiru.D.Selvaraj. The cost of the plot is Rs.76,740/- and the service charge of 5% of the plot cost was levied, which works out to Rs.3,840/-. The entire cost of the developed plot was paid by M/s.Thirumal Chemical Works prior to the cut-off date of 31.03.1995 itself. As such, the entire sale consideration was received by the 2nd respondent and in pursuance thereof, the physical possession of Plot No.53 was handed over to M/s.Thirumal Chemical Works as early as April, 1995 itself.

4.It is further stated by the petitioner that the said M/s.Thirumal Chemical Works had requested the 2nd respondent to transfer the allotted plot bearing No.53 in favour of the petitioner-company by letter dated 17.08.2006 and in pursuance thereof, the 2nd respondent by proceedings in RC.No.3911/Y1/2001, dated 16.12.2006, issued orders of approval and recognized such transfer of allotment in favour of th petitioner with certain terms and conditions. The 3rd respondent entered into Memorandum of Understanding with the petitioner on 18.01.2007 with fresh terms and conditions. The petitioner-company took physical possession of the plot and constructed sheds on issuance of No Objection Certificate by the Superintending Engineer, TANSIDCO, Chennai, and commenced manufacturing process of chemicals, sodium bromide from 01.02.2008 onwards. On 06.06.2012, the petitioner-company sent a representation to the third respondent requesting them to execute the sale deed in respect of Plot No.53, SIDCO Industrial Estate, Kakallur, in favour of the petitioner-company. The third respondents by letter in R.C.No.411/C/11-11, dated 11.06.2012, informed the petitioner that the ratification from the government is awaiting. Since there is no progress in the

process of ratification on part of the Government, the petitioner has come forward with the present writ petition before this Court.

5. When the matter is taken up for hearing, learned counsel appearing for respondents 2 and 3 submitted that the issue of ratification is pending consideration with the 1st respondent, as seen from the Letter in R.C.No.411/C/11-11, dated 11.06.2012 and both the counsel produced a copy of the order passed by this Court dated 08.12.2015 in W.P. No. 27946 of 2015 (Reji Varghese V. Tamil Nadu Small Industries Development Corporation Limited and another) wherein it has been held as follows:

"3. It can be easily visualised that some of the allottees had already got their plot registered by the authorities and necessary sale deeds had also been released. With regard to 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."

6. In such view of the matter, the writ petition is disposed of directing the 1st respondent to pass appropriate orders with regard to ratification of allotments, within a period of eight weeks from the date of receipt of a copy of this order. Based on the decision to be taken by the 1st respondent, respondents 2 and 3 will have to take action accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

[ssv]

To

1.The Secretary,
Government of Tamil Nadu
Department of Micro and Macro Industries,
Chepauk, Chennai.

2.The Chairman and Managing Director,
Tamil Nadu Small Industries
Development Corporation,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-600 058.

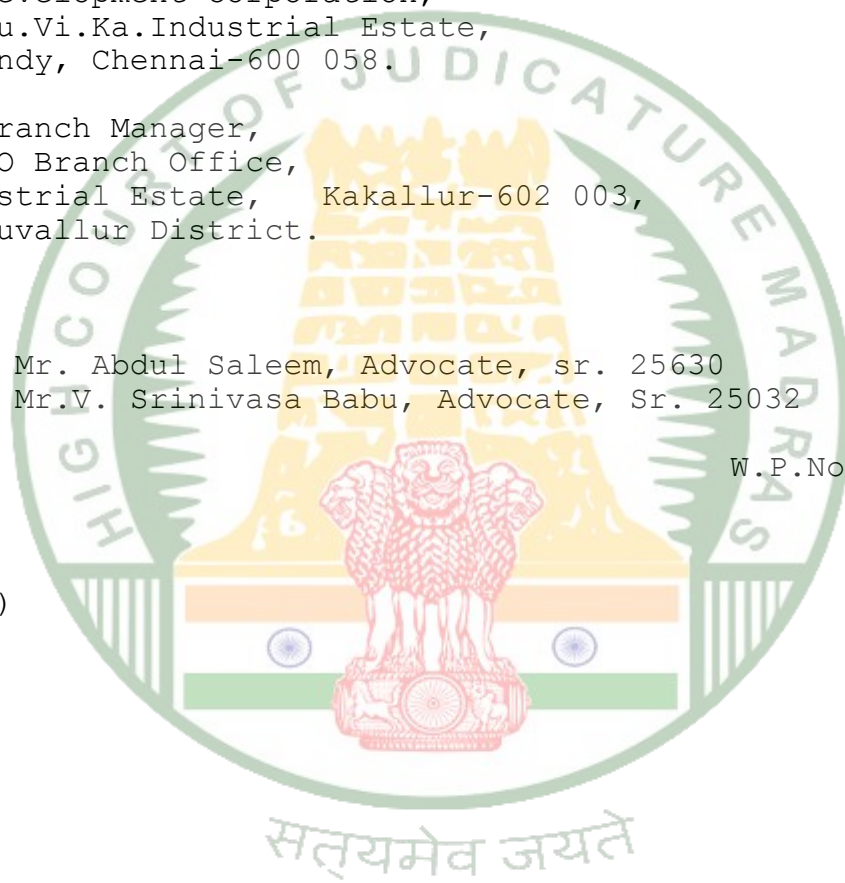
3.The Branch Manager,
SIDCO Branch Office,
Industrial Estate, Kakallur-602 003,
Thiruvallur District.

1 cc to Mr. Abdul Saleem, Advocate, sr. 25630

1 cc to Mr.V. Srinivasa Babu, Advocate, Sr. 25032

W.P.No.14290 of 2016

SKV (CO)
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