

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22531/2016 & WMP.No.19215/2016

M/s.Gemini Shreewas [Engineers]
Pvt Ltd., rep.by its Managing Director
S.Ramasamy, 287-C [NP], 11th Street
SIDCO Industrial Estate, Ambattur
Chennai-98.

.. Petitioner

Vs.

- 1.The Secretary
Department of Industries & Commerce
Fort St George, Chennai 600 009.
- 2.The Joint Secretary
MSME [C] Department
Fort St George, Chennai 600 009.
- 3.The Managing Director,
SIDCO, Paulwel's Road
Kathipara Junction,
Chennai.
- 4.The Branch Manager
SIDCO Industrial Estate
Administrative Block
Ambattur, Chennai 600 058.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to issue sale deed in favour of the petitioner namely M/s.Gemini Shreewas [Engineers] Pvt.Ltd. for the plot 287-C [NP], 11th Street, SIDCO Industrial Estate, Ambattur, Chennai 600098 allotted vide Ref.No.31803/1E1/93 dated 29.12.1993 in favour of the petitioner.

For Petitioner : Mr.T.Karthikeyan
For R1&R2 : Mr.R.Govindasamy, Spl.GP
For RR3&4 : Mr.V.P.Senguttuvel

ORDER

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

2 The petitioner would state that DP Plot No.287-C [NP], admeasuring to an extent of 8026 sq.ft., of industrial land at Patravakkam village, SIDCO Industrial Estate, Ambattur, Chennai-98, was allotted by the Small Industrial Development Corporation [SIDCO] in favour of the petitioner through an allotment letter dated 29.12.1993 vide Ref.No.31803/IE 1/93 and the total cost of the plot was fixed at Rs.2,10,875/-. According to the petitioner, he has paid the entire cost as per the Schedule of payment indicated in the letter of allotment. The petitioner after paying the entire instalments, repeatedly made a request to the respondents 3 and 4 for issuance of the Sale Deed and despite the handing over the possession of the allotted plot on 23.01.2012 to the petitioner, the respondents 3 and 4 did not issue the Sale Deed to the petitioner. Therefore, the petitioner in this regard, has also sent various representations and reminders on 02.07.2010, 09.03.2011, 16.06.2011, 07.05.2013, 09.08.2013 and 05.11.2013 and also brought to the knowledge of the Administrative Department, viz., the 1st respondent through a representation dated 10.02.2014 and it is also followed by another set of reminders dated 22.08.2015 and 09.05.2016 and till date, the petitioner is yet to receive any kind of reply/response. The grievance expressed by the petitioner is that it is a small scale industry, which require bank loans for running of its operation and the line of business activity is in the field of centralised air conditioning for industrial purpose and their main customers are BHEL, NLC, ISRO etc. The petitioner has also put up a superstructure on the allotted plot after obtaining No Objection Certificate issued by the respondents 3 and 4 on 22.05.2013 and necessary fee for issuance of Sale Deed was also paid on 23.08.2013.

3 The learned counsel for the petitioner would submit that despite the fact that the petitioner had complied with all the procedural formalities, for the reasons best known, the Sale Deed is yet to be executed in his favour and therefore, left with no other option, the petitioner is constrained to approach this Court by filing the present writ petition.

4 This Court heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.V.P.Senguttuvel, learned counsel who accepts notice on behalf of the respondents 3 and 4.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the

same, directs the respondents 3 and 4 to consider and dispose of the petitioner's representations dated 05.11.2013, 10.02.2014, 18.08.2014, 22.08.2015, 09.05.2016 and 17.05.2016, on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

AP

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Secretary
Department of Industries & Commerce
Fort St George, Chennai 600 009.
2. The Joint Secretary
MSME [C] Department
Fort St George, Chennai 600 009.
3. The Managing Director,
SIDCO, Paulwel's Road
Kathipara Junction,
Chennai.
4. The Branch Manager
SIDCO Industrial Estate
Administrative Block
Ambattur, Chennai 600 058.

+ 1 cc to Mr. T. Karthikeyan, Advocate SR 37030

nrjk(co)

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