

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.24616 of 2016

Kaay Yes Vi Plastics,
rep. by its Proprietor,
S.Manimaran.
No.15/9, Tank Square Street,
Saidapet, Chennai. 15.

...Petitioner

Vs.

1. The Secretary to Government,
Micro Small and Medium Enterprises Department,
Fort St. George, Chennai - 600 009.
2. The Chairman/Managing Director,
Tamil Nadu Small Industries Development Corporation,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai - 58.
3. The Branch Manager,
Tamil Nadu Small Industries Development Corporation,
Kakkalur Industrial Estate,
Chennai - 03.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to register the sale deed in favour of the petitioner, as per the allotment order, and to grant such other further relief, as this Court may deem fit.

For Petitioner	:	Mr.S.Sivakumar
For Respondent-1	:	Mr.A.Zakkir Hussain
		Government Advocate
For Respondents2 &3	:	Mr.Abdul Saleem

O R D E R

Heard Mr.S.Sivakumar, learned counsel appearing for the petitioner, Mr.A.Zakkir Hussain, learned Government Advocate for first respondent and Mr.Abdul Saleem, learned counsel for second and third respondents, and with their consent, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition, praying for issuance of a writ of mandamus to direct the respondents to register the sale deed in favour of the petitioner, as per the allotment order.

3. It is pointed out by the learned counsel appearing for the petitioner that, under identical circumstances, this Court has passed orders in W.P.No.26556 of 2015, dated 04.01.2016, in the case of M/s.Muktha Dye Chem Vs. Tamil Nadu Small Industries Development Corporation and others), and the operative portion of the order is quoted hereinbelow:-

" 2. When the matter is taken up for hearing, learned counsel appearing for respondents 1 and 2 submitted that the issue of ratification is pending consideration with the 3rd respondent as seen from the Letter in Rc.No. 4385/IE5/2010 dated 28.01.2015 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."

3. In such view of the matter, the writ petition is disposed of directing the 3rd respondent to pass appropriate orders with regard to ratification of allotments, as requested by the 1st respondent vide letter No.Rc.no. 4385/IE5/2010 dated 28.01.2015 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 3rd respondent, respondents 1 and 2 will have to take action accordingly. No costs."

4. The learned counsel appearing for the respondents 2 and 3 submits that the above order and direction has been implemented, and the sale deed has been executed.

5. In the light of the above, the Writ Petition is disposed of, by directing the first respondent to pass appropriate orders with regard to ratification of allotments, as requested by the respondents 2 and 3 within a period of eight weeks from the date of receipt of a copy of this order, and based on such decision, the third respondent shall take further action for the purpose of execution of the sale deed, as has been done in the case of M/s.Muktha Dye Chem, the decision referred above. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Micro Small and Medium Enterprises Department,
Fort St. George, Chennai - 600 009.
2. The Chairman/Managing Director,
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Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai - 58.
3. The Branch Manager,
Tamil Nadu Small Industries Development Corporation,
Kakkalur Industrial Estate,
Chennai - 03.

+1cc to Mr.Abdul Saleem, Advocate Sr.43985
+1cc to the Government Pleader sr.43620
+1cc to Mr.S.Sivakumar, Advocate sr.43716

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srg 17/08/2016



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