

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.27666 of 2016

S.Ravichandran

rep. by his Power Agent Mrs.R.Suja Petitioner

Vs.

- 1 The Chairman and Managing Director,
Tamilnadu Small Industrial Corporation Ltd.,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai - 600 032.
- 2 The General Manager
Tamilnadu Small Industrial Corporation Ltd.,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.
- 3 The Branch Manager,
SIDCO - Branch Office,
Industrial Estate,
Ariyamangalam,
Thiruchirappalli - 620 010. Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider and dispose the petitioners representation dated 01.07.2016 through E-Mail and through RPAD dated 05.07.2016.

For Petitioner : Mr.M.Palanimuthu
For Respondents : Mr.Abdul Saleem

O R D E R

Heard Mr.M.Palanimuthu, learned counsel for the petitioner and Mr.Abdul Saleem, learned Standing Counsel appearing for the respondent Corporation. With the consent of either side, this

writ petition itself is taken up for disposal.

2. In this writ petition, the petitioner seeks for direction upon the respondent to consider his representation dated 05.07.2016. In the said representation, the petitioner through his power of attorney namely, his wife has made a request for re-allotment of the plot already allotted to him namely, Plot No.1 in Industrial Estate, Elambalur, Perambalur District.

3. The undisputed facts are that the petitioner has been allotted the said industrial plot in the Industrial Estate at Elambalur, promoted by the respondent Corporation vide order of allotment dated 21.05.2009. The plot was handed over to the petitioner on 15.04.2011 on execution of lease cum sale deed. It appears that due to financial difficulties, the petitioner S.Ravichandran had to take up employment abroad and had to leave India. Since the plot remained un-utilized, notices were issued to the petitioner for cancellation and ultimately, allotment was cancelled on 12.04.2013. Thereafter, eviction proceedings have been taken and the plot cost paid by the petitioner namely, Rs.66,435/- was refunded to the petitioner along with a letter dated 03.02.2016, vide cheque dated 19.01.2016. Admittedly, the petitioner has not challenged the cancellation of allotment which was made on 12.04.2013.

4. The learned Standing Counsel appearing for the respondent Corporation submits that the plot is now been allotted to some other allottee who has taken possession.

5. In the facts and circumstances of the case, Plot No.1 cannot be re-allotted to the petitioner because for the default committed by him, the allotment was cancelled and he has not challenged the allotment. However, the petitioner pleads that his financial position is better and the respondent may consider allotment of some other plot and in this regard, his representation may be considered.

6. The learned Standing Counsel appearing for the respondent Corporation submits that the allotment procedure itself is now been revised and each Industrial Estate will separately call for applications and the petitioner can apply.

7. Considering the facts and circumstances of the case, there will be a direction to the third respondent to intimate the petitioner as and when vacancy arises in the said Industrial Estate and the petitioner will be entitled to apply for allotment of plot in the said Industrial Estate, Elambalur, Perambalur District, which shall be considered on merits and in accordance with law. As suggested by the learned Standing

Counsel appearing for the respondent Corporation, the petitioner can also make fresh representation along with a copy of this order to the third respondent requesting for intimation on the vacancy position.

8.This writ petition is disposed of accordingly. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

- 1 The Chairman and Managing Director,
Tamilnadu Small Industrial Corporation Ltd.,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai - 600 032.
- 2 The General Manager
Tamilnadu Small Industrial Corporation Ltd.,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.
- 3 The Branch Manager,
SIDCO - Branch Office,
Industrial Estate,
Ariyamangalam,
Thiruchirappalli - 620 010.

+1 CC to Mr. M. Palanimuthu, Advocate, Sr.No.50211
+1 CC to Mr. Abdulseleem, Advocate, Sr.No.50995

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KGK (CO)
MD : 19/09/2016

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