



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.14332 of 2016

and

W.M.P. (MD) .Nos.10628 and 10629 of 2016

Sree Om Enterprises,
rep. By Proprietor,
G.Ganapathy Subramanian.

...Petitioner

Vs.

1.The Chairman and Managing Director,
Thiru-Vi-Ka Industrial Estate
Near SIDCO Electronics Complex,
Guindy, Chennai-600 032.

2.The Branch Manager,
Tamil Nadu Small Industries Development Corporation Limited,
Ariyamangalam,
Trichy.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to show cause notice RC No.406C/2008 dated 30.09.2015 issued by the 2nd respondent and quash the same as illegal.

For Petitioner : Mr.G.Kannan

For Respondents : Mr.K.Guru

Addl. Govt. Pleader for RR-1 & 2

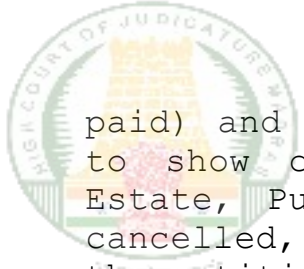
O R D E R

Heard both sides.

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

3. No counter is filed on behalf of the respondent Nos.1 and 2.

4. It comes to be known that the petitioner/firm was issued a show-cause notice dated 30.09.2015, by the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy (in respect of the plot cost being not



paid) and in and by which, a request was made to the petitioner to show cause why the allotment of plot No.26 of Industrial Estate, Pudukkottai, (SIPCOT) made in its favour should not be cancelled, as per condition No.3 of the allotment order. Further, the petitioner was required to furnish its reply to the show-cause notice within 7 days from the date of receipt of the letter in R.C.No.406/C/08, dated 30.09.2015 etc.,

5. At this juncture, it transpires that the petitioner/firm had not furnished a reply to the show cause notice dated 30.09.2015, issued by the second respondent and instead, it approached this Court by filing the present writ petition, wherein and whereunder, the issuance of show-cause notice dated 30.09.2015 by the second respondent is challenged.

6. It is to be noted that the petitioner was only issued with a show-cause notice dated 30.09.2015 by the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy. In fact, a reply was sought for from the petitioner within 7 days from the date of receipt of the said show-cause notice dated 30.09.2015. Furthermore, the petitioner was also informed that if reply was not furnished by it within the time specified, then, it would be construed that it had nothing to show-cause and further action would be taken to cancel the allotment.

7. Considering the fact that the petitioner/firm was only issued with the show-cause notice dated 30.09.2015, in and by which it was required to submit its reply within 7 days from the date of receipt of the communication and also this Court, taking note of the primordial fact that admittedly the petitioner had not furnished a reply to the show-cause notice dated 30.09.2015 till this date, this Court, to secure the ends of Justice and also on the basis of Fair Play, Good Conscience and even as a matter of Prudence, directs the petitioner to submit its explanation before the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy within a period of two weeks from the date of receipt of copy of this order and the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy, on receipt of such reply from the petitioner, is to pass a reasoned, speaking order on merits (if already the allotment was not cancelled) by outlining the process of reasoning in a qualitative and quantitative manner (of-course, by adhering to the principles of Natural Justice in true letter and spirit), within a period of two weeks thereafter, untrammelled and uninfluenced with any of the observations made by this Court in this writ petition. It is also open to the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy to call for any particulars or copy of record or document from the custody/possession of the petitioner by issuance of notice/memo and soon after receipt of notice/memo,



the petitioner/firm is to comply with the requirement of the second respondent without any haziness or hesitation whatsoever. After receipt of copy of relevant document/record, the second respondent/Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy shall proceed with the subject matter in issue and to pass necessary orders within the time adumbrated supra. Before parting with the case, it is needless for this Court to make a pertinent mention that the petitioner is to lend its assistance and co-operation to the second respondent/ Branch Manager, Tamil Nadu Small Industries Development Corporation Limited, Trichy so as to enable the latter to do the needful in the subject matter in issue.

8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Chairman and Managing Director,
Thiru-Vi-Ka Industrial Estate
Near SIDCO Electronics Complex,
Guindy, Chennai-600 032.

2.The Branch Manager,
Tamil Nadu Small Industries Development Corporation Limited,
Ariyamangalam,
Trichy.

+1cc to M/S.G.V.Vairam Santhosh, Advocate SR.No.43022
+1cc to Special Government Pleader SR.No.42934

Writ Petition (MD).No.14332 of 2016

08.08.2016

VS

SD/SS2/18.08.2016/3P/5C