

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.2570 of 2017

M/s.Leela Lace Software solutions Pvt.Ltd.

DP-125, North Phase, SIDCO

Thiru Vi Ka Industrial Estate

Guindy, Chennai - 600 032

Represented by its Director

Mr.Vinod Wadhmal Agnani

... Petitioner

v.

1.The Govt. of Tamil Nadu

Represented by tis Secretary

Department of Micro, Small and Medium Enterprises

Secretariat

Chennai - 600 009.

2.Tamil Nadu Small Scale Industries

Development Corporation Ltd.

SIDCO

Thiru Vi Ka Industrial Estate

Guindy, Chennai - 600 032

.. Respondents

Writ petition filed under 226 of the Constitution of India for the issuance of writ of mandamus directing the first respondent to issue the necessary orders or G.O. to grant permission to the second respondent to execute and register a sale deed in favour of the petitioner in respect of the property bearing Plot No.DP - 125, SIDCO, Thiru Vi Ka Industrial Estate, Guindy, Chennai - 600 032.

For Petitioner : Mr.A.R.Karunakaran

For Respondent : Mr.A.N.Thambidurai
Spl. Govt. Pleader - for R1

Mr.Abdul Saleem - for R2

ORDER

The petitioner has filed the above Writ Petition to issue a writ of mandamus, directing the first respondent to issue the necessary orders or G.O. to grant permission to the second respondent to execute and register a sale deed in favour of the petitioner in respect of the property bearing Plot No.DP - 125, SIDCO, Thiru Vi Ka Industrial Estate, Guindy, Chennai - 600 032.

2.1 It is the case of the petitioner that an extent of 7680 sq.ft. and 158840 sq.ft. bearing Plot No.DP - 125, SIDCO, Thiru Vi Ka Industrial Estate, Guindy, Chennai - 600 032 were allotted to the petitioner company by the second respondent, vide its allotment letter dated 16.11.1994. As per the said allotment letter, a sale deed was to be executed by the second respondent in favour of the petitioner after

construction of the building. The petitioner took possession of the plot and prepared building plans, which were forwarded to the second respondent. Due to several reasons, the petitioner could not construct the building and utilize the plot as originally envisaged and the said allotment order was cancelled on 29.09.2008. Thereafter, the petitioner paid the penalty of Rs.6,30,000/- and the cancellation order was revoked by the second respondent on 24.12.2009. After the completion of the building construction, the same was also communicated by the second respondent to TANGEDCO vide its letter dated 04.03.2013 for the purpose of obtaining power connection.

2.2 By the letter dated 22.01.2014, the petitioner and its sister company requested the second respondent to issue a No Objection Certificate, since M/s. SICOM had offered to loan money to the petitioner. However, the petitioner received a letter dated 28.01.2014 from the second respondent stating that No Objection Certificate cannot be considered, since the second respondent was awaiting necessary orders from the Government. However, the first respondent has not passed any orders so far.

3. Mr.A.R.Karunakaran, learned counsel appearing for the petitioner submitted that in identical circumstances, this court, in W.P.No.27946 of 2015, dated 08.12.2015 and W.P.No.26556 of 2015, dated 04.01.20916, disposed of the writ petitions by directing the respondents to pass appropriate orders with regard to ratification of allotments, as requested by the first respondent therein, so as to register the sale deed as far as the petitioner is concerned. Further, this court directed the first respondent to register the sale deed and release the document, if the petitioner complies other legal requirements towards registration of the sale deed.

4. Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the first respondent and Mr.Abdul Saleem, learned counsel appearing for the second respondent also submitted that the writ petition can be disposed of following the earlier orders passed by this court.

5. Having regard to the submissions made by the learned counsel on either side, since there is no impediment for the second respondent for ratifying the same, the first 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 and 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.

With these observations, the Writ Petition is disposed of. No costs.

Index : Yes/No

10.04.2017

Note : Issue copy of the order by 12.04.2017

Rj

To

1.The Secretary
Department of Micro, Small and Medium Enterprises
Secretariat
Chennai - 600 009.

2.Tamil Nadu Small Scale Industries
Development Corporation Ltd.
SIDCO
Thiru Vi Ka Industrial Estate
Guindy, Chennai - 600 032

M.DURAI SWAMY, J.

Rj

W.P.No.2570 of 2017

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