

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-07-2018

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.7493 of 2014
and
M.P.Nos.1 & 2 of 2014

M.Renganathan

..Petitioner

vs.

1.Tamil Nadu Small Industries Development
Corporation Limited,
rep.by its Chairman and Managing Director,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

2.The Branch Manager,
Tamil Nadu Small Industries Development
Corporation(SIDCO)
Industrial Estate,
Gandhi Nagar,
Vellore - 632 006.

....Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the letter of the 1st respondent made in R.C.No.7101/1E7/2008 dated 13.2.13 and consequential letter of the 2nd respondent made in Rc.No.317/D/2008 dated 06.12.13, quash the same and direct the respondents to permit the petitioner to remit the delayed payment interest.

For petitioner : Mr.Y.Ramanaiah

For Respondents : Mr.P.H.Vinodh Pandian
for Mr.Abdul Saleem for R1 & R2

O R D E R

The order of cancellation of allotment of a Plot in DP.No.27, allotted in favour of the writ petitioner in SIDCO Industrial Estate, Vinnamangalam in proceedings dated 06.12.2013 is under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioners are carrying the business of manufacturing and servicing of power and distribution transformers of all the categories under the name and style of Ram Electricals. The first respondent invited applications for allotment of developed plots in the Industrial Estate at Vinnamangalam. The writ petitioner had submitted application on 30.04.2008 and the first respondent having satisfied with the eligibility of the writ petitioner, allotted a plot bearing No.27 measuring an extent of 0.185 acres. In the allotment order dated 23.10.2008, it is stated that the allotment of the plot is out right and the tentative cost is fixed at Rs.3,57,100/-(Rupees Three Lakhs, Fifty Seven Thousand and one hundred only). The petitioner had paid the initial cost amount of Rs.75,000/-(Rupees Seventy Five Thousand only) on 29.05.2009. Thereafter, he paid Rs.1,00,000/-(Rupees One Lakh only) on 18.05.2010 and the first respondent in letter dated 21.05.2001, directed the writ petitioner to remit the balance cost before 25.06.2010. However, the petitioner was unable to deposit the final cost on account of certain personal reasons.

3.The learned counsel for the petitioner states that due to financial crunch, the petitioner was unable to honor the commitment within the time and now, they are ready to pay the entire cost amount with interest.

4.The learned counsel appearing on behalf of the respondent states that the first respondent passed the order of cancellation on 06.12.2013 and the amount deducted by the writ petitioner had been returned back by way of a Demand Draft. However, it is brought to the notice of this Court that the Demand Draft sent by the first respondent was already encashed by the petitioner. After encashing the deposited amount by the writ petitioner, the writ petitioner cannot have any claim in respect of the allotment of the plot at all. This apart, the allotment was cancelled long back and the amount deposited by the petitioner had also been returned back to the petitioner and the petitioner also had encashed the same.

5.This being the factum of the case, the relief as such sought for to grant allotment by quashing the cancellation order cannot be considered at all. It is left open to the writ petitioner to apply for a fresh allotment, if any such notifications are issued by the respondents in future.

6.With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

To Sub Assistant Registrar

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Vellore - 632 006.

+1cc to M/s.S.Elamurugan, Advocate sr.no.50905

W.P.No.7493 of 2014

nr 06/08/2018

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