

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-07-2018

CORAM:

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

W.P.No.10646 of 2015

And

M.P.No.1 of 2015

M/s.Sai Forgings,
No.D-3, Soundaryam Flats,
E.B.Office Road,
Mugappair East,
Chennai - 600 037.
Represented by its partners,

1.K.Jayakumar

2.K.Arul

...Petitioners

vs.

1.The Managing Director,
Thamizhnaadu Small Industries
Development Corporation Limited
(A Govt. Of Thamizhnaadu Undertaking)
SIDCO Corporate Office,
Thiru Vi Ka Indl Estate,
Guindy, Chennai - 600 032.

2.The Branch Manager,
SIDCO Branch Office
Industrial Estate, Kakkalur,
Thiruvallur District.

...Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the passing of the order of the Managing Director, Tamilnadu Small Industries Development Corporation Limited, the 1st Respondent herein in R.C.No.6020/1E 2/2007 dated 06.03.2015 and quash the said order and direct the Respondents to give all assistance to the Petitioners for promoting the Small Scale Industrial Unit.

For petitioner : Mr.Dr.A.E.Chelliah, Senior Counsel
for M/s.K.Ramanujam

For Respondents : Mr.Abdul Saleem for R1 & R2

O R D E R

The show cause notice issued by the Managing Director in proceedings dated 06.03.2015 in respect of the cancellation of allotment order granted in favour of the writ petitioner is under challenge in this writ petition.

2.The learned Senior Counsel appearing on behalf of the writ petitioner made a submission that in spite of the sincere efforts taken by the counsel on record, the bundle was unable to be traced out in the High Court Registry and there was a huge delay in listing the matter for hearing. Meanwhile, the subsequent writ petitions filed, challenging the cancellation of allotment was heard by this Court and a final order was passed on 23rd February 2016, wherein the present writ petitioner also challenged the cancellation of allotment order in W.P.No.12403 of 2015.

3.The order of cancellation of allotment was quashed by this Court in W.P.Nos.11841, 12403 of 2015 & etc batch dated 23.02.2016 and the relevant paragraphs 12 & 13 are extracted hereunder:

"12. A thorough scrutiny of the materials available on record in the form of typed set of papers, would prove the case of the petitioners and accordingly, this Court is inclined to interfere with the impugned orders of cancellation, for the following reasons: 12.1. The delay in utilising the plots, which were allotted to the petitioners, is attributed on the part of the respondents, mainly because the petitioners were not issued with 'No Objection Certificate' and the respective sale deeds, as well.

12.2. The non-issuance of 'No Objection Certificate' as well as sale deeds, leads to the non-utilisation of the plots allotted in favour of the petitioners.

12.3. According to the petitioners, no infrastructures have been developed by the respondents, so as to enable the petitioners to run the small scale industrial units, in their allotted plots. In such circumstances, the respondents are not justified in passing the impugned order of cancellation, merely on the ground of delay in utilisation.

12.4. Ultimately, the respondents did not even refer to the explanations offered by the petitioners to the show cause notices issued by them, at the time of

passing the impugned orders of cancellation. It shows non-application of mind on the part of the respondents in passing the impugned orders.

13. Therefore, all the writ petitions are allowed and the impugned orders of cancellation of allotment of plots in favour of the the petitioners are quashed. Accordingly, the respondents are directed to take necessary steps to issue the relevant documents, such as, 'No Objection Certificate' and sale deeds, to promote the small scale industrial units, if the petitioners fulfil all the norms. On such Certificate (s) being issued, the petitioners should commence their business in the units within six months thereafter, failing which, the respondents can take appropriate action in accordance with law. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed."

4. In view of the fact that the final order of cancellation of allotment was already quashed by this Court, no further orders are required in respect of the show cause notice issued, which is under challenge in the present writ petition.

5. Thus, the order passed by this Court on 23rd February 2016 in W.P.No.12403 of 2015 is to be implemented in respect of the writ petitioner and accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

1. The Managing Director,
Thamizhnaadu Small Industries
Development Corporation Limited
(A Govt. Of Thamizhnaadu Undertaking)
SIDCO Corporate Office,
Thiru Vi Ka Indl Estate,
Guindy, Chennai - 600 032.

2.The Branch Manager,
SIDCO Branch Office
Industrial Estate, Kakkalur,
Thiruvallur District.

+1cc to M/s.K.Ramanujam, Advocate, S.R.No.47864
+1cc to the M/s.Abdul Saleem, Advocate S.R.No.48339

W.P.No.10646 of 2015

NRI (CO)
SMI/02.08.2018



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