

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.807 of 2014 and
MP No.1 of 2014

- 1.The Estate Officer and Project Officer,
Industrial Estate, Ambattur,
SIDCO, Chennai - 600 058.
- 2.The Chairman cum Executive Director
Tamilnadu Small Scale Industries
Development Corporation,
Chennai - 600 016. Appellants/Respondents 1 &2

-vs-

- 1.M.Easwari
- 2.The District Collector,
Thiruvallur District,
Thiruvallur. Respondents /Petitioner/3rd respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P No.30747 of 2008 dated 08.03.2012.

W.P.No.30747 of 2008: This Writ petition filed for a Writ Mandamus third respondent to issue the sale deed infavour of the petitioner as per the concerned letter dated 21.8.2003 given for the notice dated 6.8.2003 issued by the first respondent in Na.Ka.No.1196/1996.

For Appellants : Mr.S.Yashwanth
For Respondents: Mr.V.R.Karthikeyan for R1
Mr.N.Manikandan
Govt.Advocate for R2

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The challenge in this intra court appeal is to the order dated 8 March 2012 in W.P.No.30747 of 2008, whereby and where

under, even after holding that the first respondent is an encroacher, the learned single Judge permitted her to submit a representation to the Tamilnadu Small Scale Industries Development Corporation for regularising the encroachment. Feeling aggrieved by the said direction, the appellants have come up with this intra court appeal.

2. We have heard the learned Standing Counsel for the appellant. We have also heard the learned counsel for the first respondent and the learned Government Advocate on behalf of the second respondent.

3. The first respondent filed a writ petition in W.P.No.30747 of 2008 for issuance of a Writ of Mandamus to issue her a Sale Deed as per the letter issued by the Corporation on 21 August 2003. The Corporation appears to have taken action against the first respondent treating her as an encroacher. The learned single Judge also found that the first respondent was in unauthorised occupation of the land owned by the Tamil Nadu Small Scale Industries Development Corporation. However, taking into account the background facts including the continuous possession, the learned single Judge granted liberty to the first respondent to submit a comprehensive representation to the Corporation so as to enable the appellants to take a decision in the matter. We are informed that even after giving such indulgence by the Writ Court, the first respondent has not given any representation to the Corporation within the cut-off date prescribed by the learned single Judge.

4. After hearing the learned counsel for the parties and on a perusal of the material records, we are of the view that interest of justice would be sub served by giving one more opportunity to the first respondent to submit a representation to the Corporation for assigning the land in question. It is for the Corporation to consider the said representation on merits and in accordance with law. We make it clear that in the event of failure on the part of the first respondent to submit a representation within four weeks, it is open to the Corporation to take appropriate action in accordance with law.

5. The intra court appeal is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

svki

To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Estate Officer and Project Officer,
Industrial Estate, Ambattur,
SIDCO, Chennai - 600 058.
- 3.The Chairman cum Executive Director
Tamilnadu Small Scale Industries
Development Corporation,
Chennai - 600 016.

+2cc to Mr.V.R.Karthikeyan, Advocate SR.No.52699
+1cc to Mr.S.Yashwanth, Advocate SR.No.53001

W.A.No.807 of 2014

NMI (CO)
GN(21/08/2018)



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