

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2018

CORAM :

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P. No.23083 of 2018

M/s.Adhi Parashakthi Fashions

Plot No.22D,

SIDCO Industrial Estate,

Guindy, Chennai 600 032,

Represented by its Managing Partner,

Mrs.K.R.Santha

...Petitioner

Vs.

1. The Government of Tamil Nadu
Represented by its Secretary,
Department of Micro, Small and Medium Enterprises,
Secretariat,
Chennai 600 009.

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

.... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue the necessary order or G.O to the second respondent to execute and register a sale deed in favour of the petitioner in respect of the property bearing Plot No.22D (SIDCO), Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai 600 032.

For Petitioner : Mr.A.R.Karunakaran

For Respondent-1 : Mr.V.Shanmugasundar
Special Government Pleader

For Respondent-2 : Mr.Abdul Saleem

ORDER

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus directing the first respondent to issue necessary orders or G.O to the second respondent to execute and register a sale deed in favour of the petitioner in respect of the property bearing Plot No.22D (SIDCO), Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai 600 032.

2. The petitioner-Company was allotted the lands admeasuring 12000 sq.ft. bearing Plot No.22 D (SIDCO) situated at Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai 600 032 by the second respondent vide its allotment letter dated 11.05.1994. As per the same, a Sale Deed was to be executed by the second respondent in favour of the petitioner. The construction of the building has to be commenced within a period of six months from the date of possession and production should commence within a period of 24 months from the date of possession. Accordingly, the petitioner took possession of the plot and obtained building plans, which were forwarded to the second respondent and the second respondent also had sanctioned the same on 03.10.1994. On 11.11.1994, a Memorandum of Understanding was also entered into between the petitioner and the second respondent with regard to the amenities to be provided by the second respondent. After the construction of the building, the petitioner has been paying the maintenance and other charges to the second respondent and also paying necessary taxes for the same. The Memorandum of Understanding, referred to above, also permits the petitioner to mortgage the properties before the Bank and Financial institutions subject to obtaining 'No Objection Certificate' from the second respondent.

3. While so, the petitioner requested the second respondent to execute the Sale Deed so that they could avail loans from the Bank. However, the second respondent sent a reply on 26.07.2013 stating that the request of the petitioner would be examined only after getting ratification orders from the Government, ratifying SIDCO action for having allotted 12000 sq.ft. land to the petitioner. It is further stated that such ratification is necessary for the plots over and above 5000 sq.ft and the second respondent has been awaiting necessary orders from the Government. Despite several requests made by the petitioner, the second respondent has been giving an uniform answer that the first respondent had not passed necessary orders. In this regard, the petitioner had also given request letters on 04.06.2018 and 05.06.2018 to the second respondent. It is brought to the notice of this Court that similar allottees

had filed Writ Petitions before this Court and this Court directed the second respondent to execute the Sale Deed in their favour. Though more than 20 years have passed since the allotment, the act of the second respondent in not executing the Sale Deed in favour of the petitioner has constrained the petitioner to move this Court.

4. The second respondent has filed the counter affidavit and admitted the allotment letter dated 11.05.1994 and also the Memorandum of Understanding dated 11.11.1994. It is further stated that as per G.O.Ms.No.877, Industries Department dated 01.07.1982 in respect of the allotment of plots measuring more than 5000 sq.ft, the power is only with the first respondent and unless the first respondent ratifies the order of SIDCO in allotting the plots more than 5000 sq.ft, the Sale Deed cannot be executed. It is stated that 470 allottees were referred to the Government for passing ratification orders and already 411 allotments were ratified by the Government on 13.11.2009 and there are only 69 allotments, which are yet to be ratified and the case of the petitioner falls under one among such 69 allottees.

5. As stated earlier, already this Court had passed orders directing the second respondent to execute the sale deed in favour of the similar allottees and as admitted in the counter affidavit, when already 411 allottees were considered by the Government, there is no impediment for the respondents 1 and 2 to ratify and execute the sale deed respectively in favour of the petitioner.

6. Accordingly, the first respondent is directed to pass appropriate orders with regard to the ratification of allotment as requested by the second respondent within a period of four weeks from the date of receipt of a copy of this Order and the second respondent is directed to execute the Sale Deed in favour of the petitioner within a period of four weeks thereafter.

7. With the above direction, the Writ Petition is disposed of. No costs.

srn

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

To

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

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

+2cc to Mr.A.R.Karunakaran, Advocate, S.R.No.84849

W.P. No.23083 of 2018

NMI (CO)
KAK(19/12/2018)



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