

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.23221 of 2010

T.Elumalai

...Petitioner

Versus

1.The General Manager,
TamilNadu Industries Development
Corporation Limited,
(A Government of Tamilnadu Undertaking)
Near SIDCO Electronics Complex
Thiru Vi.Ka Industrial Estate,
Guindy, Chennai-600 032.

2.The Branch Manager,
SIDCO Branch Office,
Cuddalore, Cuddalore District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus directing in the nature of writ to call for the records pertaining to R.C.No.502/B/2009 dated 18.03.2010 issued by the 2nd respondent and to quash the same, thereby directing the respondents to allot a plot in the Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai-600 032 as per the Application No.456 dated 13.07.2009 so as to enable the petitioner to manufacture Fly Ash Bricks in the said industrial area.

For Petitioner :M/s. Daltt Tiger C.Ponnusamy
For Respondents:Mr.S.P.Prabhakaran

O R D E R

This writ petition has been filed seeking Certiorarified Mandamus directing in the nature of writ to call for the records pertaining to R.C.No.502/B/2009 dated 18.03.2010 issued by the 2nd respondent and to quash the same, thereby directing the respondents to allot a plot in the Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai-600 032 as per the Application No.456 dated 13.07.2009 so as to enable the petitioner to manufacture Fly Ash Bricks in the said industrial area.

2.The petitioner belongs to a Scheduled Caste. Under the Kadhi village Industries Development, he has been called upon to submit the application for the manufacture of fly ash bricks. The petitioner submitted the application on 13.07.2009 vide No.456 seeking accommodation to run his business at the respondent's industrial area, for which he is eligible under the Schedule Caste and the tribal welfare board of Tamil Nadu. He was called upon for a personal interview by the respondent on 29.07.2009 along with documents. On the date of interview, respondent has asked the petitioner to deposit a sum of Rs.13,200/- for allotment of plot in the industrial area. The said amount was deposited by the petitioner and also received receipt dated 15.07.2009. However, on 18.03.2010, the petitioner received an intimation from the 2nd respondent to send advance stamped receipt to refund the deposit amount. According to the petitioner, the respondents have not assigned any reason for rejection of his application. Aggrieved by the inaction of the respondent, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that the plot was allotted in the industrial area by the respondents on 18.03.2010 and later the application was rejected by the respondents without any reasons and refunded the deposit amount. He further submitted that the petitioner has also sent a legal notice dated 13.07.2010 to the respondents. Though the said notice was received by the 1st respondent, the respondents have not chosen to reply for the said notice. Accordingly, he prays to allow the petition.

4.The learned counsel for the respondents submitted that the M.P.No.1 of 2010 filed by the petitioner seeing interim injunction was dismissed on 29.03.2011. He further submitted that the petitioner had also received the deposit amount on 24.09.2010 and thereafter, he has filed the present Writ petition.

5.Heard both sides and perused the materials on record.

6.On perusal of the entire records, it is seen that the petitioner deposited EMD on 15.07.2009 and the same was refunded by the respondents on 18.03.2010 and the fact remains that after filing of the Writ petition the petitioner has collected the EMD amount from the respondents on 24.09.2010. Since, the petitioner has received the EMD amount, he cannot claim for allotment. Therefore, the prayer sought for by the petitioner cannot be granted. Accordingly this Writ Petition is dismissed.

However, the petitioner is at liberty to apply for a fresh allotment, if arises in future. No costs.

-s/d-
Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

rri

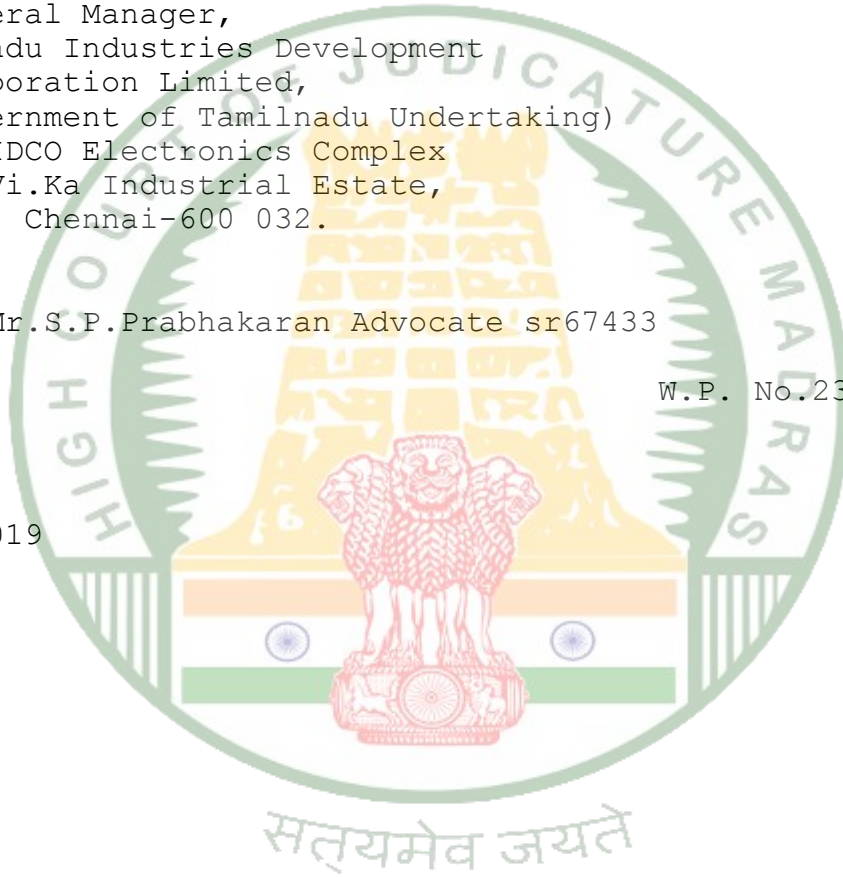
To

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+1 cc to Mr.S.P.Prabhakaran Advocate sr67433

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