

In the High Court of Judicature at Madras

Dated : 29.4.2019

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

Writ Appeal No.1517 of 2019 & CMP.No.10286 of 2019

1.The Tamil Nadu Small Industries
Development Corporation, rep.
By its Chairman & Managing
Director, Garments Complex II,
Near Electronics Complex,
Industrial Estate, Guindy,
Chennai-32.

2.The Branch Managar, TANSIDCO
Branch Office, Thiru Vi Ka Industrial
Estate, Guindy,
Chennai-32.

...Appellants/Respondents 1&2

Vs

1.M/s.Mohan Enterprises, rep.by
Mr.K.Ram Mohan Rao, No.6A,
Brindavan Apartments, Mylapore,
Chennai-4, Brindavan Street,
Mylapore

... 1st Respondent/Petitioner

2.The State of Tamil Nadu, rep.by
its Secretary, Micro, Small and
Medium Enterprises Department,
Secretariat, Fort.St.George,
Chennai-9.

... 3rd Respondent/3rd Respondent

APPEAL under Clause 15 of the Letters Patent to set aside
the order dated 11.2.2019 made in W.P.No.37054 of 2007.

Prayer in W.P.No.37054 of 2007:-

Praying to issue a writ of Mandamus direct the respondents
to hand over vacant possession of the developed plot bearing
No.PK-3 of a total extent of 5500 sq.ft. in the Industrial
Estate Guindy allotted in pursuant to the orders of the 1st
respondent by his proceedings bearing No.113653/IE-3/95
dt 12.7.95 and execute the sale deed in favour of the petitioner.

For Appellants : Mr.V.P.Sengottuvel

For Respondent-2 : Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.V.P.Sengottuvel, learned counsel for the appellants and Mr.R.P.Prathap Singh, learned Government Advocate accepting notice for the second respondent.

2. The appellant - Corporation namely Tamil Nadu Small Industries Development Corporation is aggrieved by the order dated 11.2.2019 passed by the learned Single Judge in W.P.No.37054 of 2007.

3. On a reading of the impugned order, we find that the learned Standing Counsel for the appellants submitted that the vacant possession of the plot in question was handed over to the first respondent herein - writ petitioner and that a sale deed would be executed in favour of the writ petitioner shortly. The learned counsel for the first respondent herein - writ petitioner agreed with the said submission and requested the learned Single Judge to close the said writ petition. Accordingly, the learned Single Judge closed the said writ petition by the impugned order with a direction to execute the sale deed.

4. Now, the appellants are before us contending that the sale deed can be executed only in accordance with the terms and conditions of the allotment. In this regard, the learned counsel for the appellants has drawn our attention to Clause 6 of the conditions of allotment. Thus, it is the contention of the learned counsel that the sale deed cannot be immediately executed and that it has to abide by Clause 6 of the conditions of allotment.

5. If that is the case, the appellant Corporation has to move the learned Single Judge for necessary clarification and on the grounds raised, we cannot interfere with the order passed in the said writ petition. सत्यमेव जयते

6. Accordingly, the above writ appeal is closed. No costs. Consequently, the connected CMP is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government Tamil Nadu,
Micro, Small and Medium Enterprises Department,
Secretariat, Fort.St.George, Chennai-9.
- 2.The Chairman & Managing Director,
Tamil Nadu Small Industries Development Corporation,
Garments Complex II, Near Electronics Complex,
Industrial Estate, Guindy,
Chennai-32.
- 3.The Branch Managar, TANSIDCO
Branch Office, Thiru Vi Ka Industrial
Estate, Guindy, Chennai-32.

+1 cc to Mr.V.P.Sengottuvel, Advocate, Sr.No. 41745
+1 cc to The Government Pleader, Sr.No. 42518

WA.No.1517 of 2019 &
CMP.No.10286 of 2019

GJ-ii(CO)
CSL/27.06.2019



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