

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.29996 of 2019

V.K.Govindan

.. Petitioner

/versus/

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-9.

2.The Managing Director,
Tamil Nadu Small Industrial Development
Corporation Ltd.,
SIDCO, Corporate Office,
Thiru.Vi.Ka Industrial Estate,
Guindy Head Office,
Chennai-32.

3.The District Collector,
Kanchipuram District.

4.The Tasildahar,
Wallajabad,
Kanchipuram.

5.The Deputy Secretary,
Revenue Department,
Secretariat,
Chennai-9.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in order Na.Ka.No.1978/2015-A-1 dated 27.09.2018 and to quash the same as illegal and consequently to direct the respondent to issue patta to the petitioner shop only.

For Petitioner :Ms.D.Kalaiselvi

For Respondents :Mr.N.Inbanathan, AGP
For R1,R3,R4 and R5

Mr.S.P.Prabhakaran, for R2

O R D E R

The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in order Na.Ka.No.1978/2015-A-1, dated 27.09.2018 and to quash the same as illegal and consequently to direct the respondent to issue patta to the petitioner shop.

2.The petitioner herein is an allottee of land by the Tamil Nadu Small Industrial Development Corporation Limited (in short "SIDCO"). Having paid the entire cost of the land, the petitioner has sought for issuance of patta. However, the fourth respondent has rejected the request on the ground that the SIDCO, which has acquired the land for promoting small industry is liable to pay a portion of the land value to the Government and unless and until, the SIDCO pays the money, the request for transfer of patta in favour of the allottee cannot be entertained. Hence, the present writ petition is filed on the ground that for default of the SIDCO the allottee namely, the petitioner cannot be penalised and as a matter of right, he is entitled to get the patta having paid the entire cost.

3. In the counter, the fourth respondent has reiterated that the land being meichal poromboke was acquired by the Government at the request of SIDCO and the SIDCO being the requisition authority is liable to pay the cost to the Government. Till now, the second respondent has not remitted the land cost claimed by the petitioner to the Government.

4. The learned counsel appearing for the petitioner would submit that the SIDCO has already deposited the land cost with the Government on 02.08.2019.

5. If it is so, this Court finds that there may not be any further impediment for the fourth respondent to consider the request of the petitioner regarding issuance of patta.

6. Accordingly, this writ petition is disposed of directing the fourth respondent to issue patta to the petitioner herein as early as possible, if the entire cost of the land has been paid by the second respondent and the application of the petitioner is in order. No costs.

Sd/-
Asst.Registrar (CJ conf)

/true copy/

Sub Asst. Registrar

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To:

1.The Secretary to Government,
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5.The Deputy Secretary,
Revenue Department,
Secretariat,
Chennai-9.

+1 cc to Mr.S.P.Prabhakaran Advocate sr80820

+1 cc to the Government Pleader sr80751

+1 cc to Mr.D.Kalaiselvi Advocate sr80528

Writ Petition No.29996 of 2018

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