

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.4979 of 2016
and
W.M.P.No.4340 of 2016

K.Sudha

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Small Industries
Development Corporation
(SIDCO)
Thiru Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.

2.The Branch Manager
Tamil Nadu Small Industries
Development Corporation
(SIDCO), Industrial Estate,
Five Road, Salem - 636 004.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for records pertaining to the demand notice of the second respondent in Na.Ka.No.389/E/03 dated 18.09.2015 and quash the same and further direct the respondents to execute the sale deed in respect of the Plot No.47 at Women Industrial Park, Karuppur, Salem District.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.S.P.Prabhakaran
Nos.1 & 2

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ORDER

This writ petition has been filed challenging the impugned demand notice dated 18.09.2015 of the second respondent calling upon the petitioner to pay a sum of Rs.6,91,837/- as additional amount towards sale price for the execution of the sale deed in favour of the petitioner.

2.It is the case of the petitioner that he was allotted plot No.47 at Karuppur, Omalur Taluk, Salem District by the respondents at a sale price of Rs.4,70,300/-. It is his case that he has paid the entire sale consideration at the time of the allotment and he has also obtained sale cum possession letter from the respondents. But it is his case that all of a sudden, the second respondent, without executing a sale deed in his favour has issued the impugned demand notice dated 18.09.2015 arbitrarily calling upon the petitioner to pay the aforementioned sum of Rs.6,91,837/- as additional sale price. Under such circumstances, this writ petition has been filed.

3.Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.S.P.Prabhakaran, learned counsel appearing for the respondents.

4.The learned counsel for the petitioner drew the attention of this Court to a judgement of the learned Single Judge of this Court dated 22.01.2015 passed in W.P.Nos.29883 & 29997 of 2014 involving an identical matter, wherein, the learned Single Judge quashed the impugned demand. The learned counsel further submitted that aggrieved by the said order dated 22.01.2015, the respondents had filed a writ appeal, which also came to be dismissed by a Division Bench of this Court dated 23.10.2017. Aggrieved by the same, the respondents had also preferred S.L.P before the Hon'ble Supreme Court, which also came to be dismissed on 01.05.2018. Therefore, according to him, the impugned demand raised by the respondents is unsustainable.

5.This Court also perused the impugned order as well as the orders relied upon by the learned counsel for the petitioner. On examination, it is found that the issue involved in this matter is identical to the issue involved in the orders relied upon by the learned counsel appearing for the petitioner, which has attained finality by the final decision of the Hon'ble Supreme Court. Therefore, this Court is of the considered opinion that the impugned demand has been raised arbitrarily without any basis despite the fact that the petitioner has paid the entire sale consideration as per the allotment order.

6.For the foregoing reasons, the impugned demand notice dated 18.09.2015 is hereby quashed and the writ petition is allowed. In view of quashing of the impugned demand, the respondents are directed to execute the sale deed in favour of the petitioner within a period of four weeks from the date of

receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

1.The Managing Director,
Tamil Nadu Small Industries
Development Corporation
(SIDCO)
Thiru Vi-Ka Industrial Estate
Guindy, Chennai - 600 032.

2.The Branch Manager
Tamil Nadu Small Industries
Development Corporation
(SIDCO), Industrial Estate,
Five Road, Salem - 636 004.

+1 cc to Mr. S. Kamadevan, Advocate CASR 16618

+1 cc to Mr. S.P. Prabhakaran, Advocate CASR 16529

W.P.No.4979 of 2016
and

W.M.P.No.4340 of 2016

NSP(19/5/2020)

सत्यमेव जयते

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