

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.19555 of 2020

M/s.Malathi Mosaic Tiles and Steel
Fabrications of India,
rep by its Authorized Signatory Amutha,
No.180112, Ground Floor, Tower - 18C,
Prestige Vista Apartments,
Ayyappanthangal, Chennai - 56.

...Petitioner

Vs.

1. The Secretary to Government,
Micro Small and Medium
Enterprises Department,
Fort St.George,
Chennai - 09.
2. The Chairman/Managing Director,
Tamil Nadu Small Industries
Development Corporation,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 58.
3. The Branch Manager,
Tamil Nadu Small Industries
Development Corporation,
Kakkalur Industrial Estate,
Kakkalur, Chennai - 03.

...Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents execute / register the Sale Deed in favour of the petitioner in respect of the Plot No.87 & 88, Kakkalur Industrial Estate based on the allotment order within a time frame.

For Petitioner : Mr.S.Sivakumar
For Respondents : Mr.K.Parameswaran,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents execute/register the Sale Deed in favour of the petitioner in respect of the Plot No.87 & 88, Kakkalur Industrial Estate based on the allotment order within a time frame.

2.Mr.K.Parameswaran, learned Government Advocate takes notice for the respondents.

3.The learned counsel on either side submitted that the Writ Petitions in W.P.Nos.29548 & 31551 of 2019 were filed before this Court by the adjacent land owners of Plot Nos.83 & 84 for the very same relief sought for in the present Writ Petition and this Court by order dated 02.12.2020 disposed of the Writ Petitions with the following direction:

"(a)The petitioners are directed to make a fresh representations to the 2nd and 3rd respondents along with all the necessary documents and also a copy of this order. The petitioners shall mark a copy of the fresh representation to the 1st respondent.

(b) The 2nd and 3rd respondents are directed to immediately consider the representations made by the petitioners on 29.03.2016 and 21.03.2012 respectively and also make a specific reference to G.O.Ms.No.8 dated 01.12.2017. If the respondents identify that the property belonging to the petitioners has also been ratified in the Government Order, necessary steps shall be taken to execute the sale deeds in favour of the petitioners, after ensuring that the entire amount has been received from the petitioners. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order and

(c) If the 2nd and the 3rd respondents find that the property belonging to the petitioners do not fall under G.O.Ms.No.8, dated 01.12.2017, they shall immediately take steps to get the ratification from the 1st respondent. In such an event, the 1st respondent is directed to pass necessary orders of ratification within a period of eight weeks from the date of receipt of a copy of this order. On receipt of the ratification order from the 1st respondent, the 2nd and 3rd respondents shall thereafter execute the sale deeds in favour of the petitioners within a period of four weeks thereafter. No costs."

Further, the learned counsel on either side submitted that the order passed in W.P.Nos.29548 & 31551 of 2019 may be passed in this present Writ Petition.

4.In view of the submission made by the learned counsel on either side, the Writ Petition is disposed of with the following directions:

(a)The petitioners are directed to make a fresh representations to the 2nd and 3rd respondents along with all the necessary documents and also a copy of this order. The petitioners shall mark a copy of the fresh representation to the 1st respondent;

(b)The 2nd and 3rd respondents are directed to

immediately consider the representations made by the petitioners on 29.03.2016 and 21.03.2012 respectively and also make a specific reference to G.O.Ms.No.8 dated 01.12.2017. If the respondents identify that the property belonging to the petitioners has also been ratified in the Government Order, necessary steps shall be taken to execute the sale deeds in favour of the petitioners, after ensuring that the entire amount has been received from the petitioners. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order and

(c) If the 2nd and the 3rd respondents find that the property belonging to the petitioners do not fall under G.O.Ms.No.8, dated 01.12.2017, they shall immediately take steps to get the ratification from the 1st respondent. In such an event, the 1st respondent is directed to pass necessary orders of ratification within a period of eight weeks from the date of receipt of a copy of this order. On receipt of the ratification order from the 1st respondent, the 2nd and 3rd respondents shall thereafter execute the sale deeds in favour of the petitioners within a period of four weeks thereafter.

No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

va
To

1. The Secretary to Government,
Micro Small and Medium
Enterprises Department,
Fort St.George,
Chennai - 09.
2. The Chairman/Managing Director,
Tamil Nadu Small Industries
Development Corporation,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 58.
3. The Branch Manager,
Tamil Nadu Small Industries
Development Corporation,
Kakkalur Industrial Estate,
Kakkalur, Chennai - 03.

+lcc to Mr.S.Sivakumar, Advocate, S.R.No.42716

W.P.No.19555 of 2020

spd(CO)
rv(08/01/2021)



WEB COPY