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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 14173 of 2015

and

M.P. No. 1 of 2015

A.Kumaran,
Proprietor,
M/s.A.P.Industries,
No.2278, "B" Type, TNHB,
Ayapakkam,
Chennai - 600 077.

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited,
Having Registered Office at
Garment Complex II,
(Near SIDCO Electronics Complex),
Thiru Vi Ka Industrial Estate, Guindy,
Chennai - 600 032.

2. The Branch Manager,
Tamil Nadu Small Industries Development
Corporation Limited,
SIDCO Branch Office,
Industrial Estate, Kakkalur,
Tiruvallur District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying for issuance of Writ of Certiorari
to call for the records of the first respondent in
Rc.No.6561/IE-2/2008 dated 13.04.2015 and quash the same.

For Petitioner : Mr.M.Arunkumar
for Mr.Sampathkumar and Associates
For Respondents : Mr.M.J.Jaseem Mohamed

O R D E R

The order dated 13.04.2015 canceling the allotment on the
ground of non-utilization of the plot by the petitioner is
challenged in the present Writ Petition.



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2. The petitioner states that he is carrying on business in the name and style of M/s.A.P.Industries. On 23.10.2008, the first respondent / Tamil Nadu Small Industries Development allotted developed plot bearing S.53 measuring an extent of 8.53 cents (approx) at SIDCO Industrial Estate, Kakkalur to the petitioner. On 09.10.2009, a memorandum of understanding was entered into between the respondents and the petitioner in respect of the building in the allotted plot. On 28.10.2009, the possession of the plot was handed over to the petitioner for the purpose of constructing the building. However, there was no progress in the construction and during the inspection, the authorities found that the petitioner has not complied with the terms and conditions of the contract and they have issued a show cause notice on 03.03.2015 for non-utilization of the allotted plot. The petitioner also submitted an explanation on 25.03.2015 to grant further time to complete the construction work. However, the said representation was not considered and the impugned order dated 13.04.2015 was passed canceling the allotment.

3. This Court in order to consider the case of the writ petitioner enquired about the present status of the building to be constructed by the petitioner. Admittedly, an interim order passed by this Court was in force. In view of the fact that the cancellation of allotment was stayed, this Court requested the respondents to inform about the present status.

4. The learned counsel appearing on behalf of the respondents on instructions made a submission that even during the pendency of the Writ Petition for past 5 ½ years, no progress has been made by the petitioner and the construction has not yet been completed. If at all, the petitioner is interested in commencing the business in the allotted plot, he would have completed the construction and commenced the production or otherwise, but there is no progress in respect of the plot allotted in favour of the petitioner in spite of the interim order granted by this Court after a lapse of 5 ½ years.

5. This being the factum, no further concession needs to be granted to the writ petitioner and the order impugned deserves no interference at this length of time.

6. Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar



vji / sp

To

1. The Managing Director,
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2. The Branch Manager,
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SIDCO Branch Office,
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Tiruvallur District.

+1CC to Mr.Sampath Kumaar Associates, Advocate, SR.No. 52966

W.P. No. 14173 of 2015
and

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KSM(CO)
B.VC (27/10/2021)