



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.21821 of 2013

and

M.P.No.2 of 2013 and M.P.No.1 of 2015

S.Raghunathan

... Petitioner

Vs.

1.Tamil Nadu Small Industries Development Corporation Ltd.,
Represented by its Chairman & Managing Director
SIDCO Electronics Complex,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai 600 032.

2.Tamil Nadu Small Industrial Development
Corporation Limited,
Rep. by its Branch Manager,
SIDCO Industrial Estate,
Gandhi Nagar,
Vellore 632 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the record relating to the order of the 1st respondent dated 30.04.2013 in R.C.No.921/IE-4/2013 and quash the same only is so far as it relates to the petitioner and consequently direct the respondents to forthwith allot ONE Industrial Plot out of the 9 Industrial Plots which have not been allotted by the respondents based on the Advertisement dated 10.09.2010 to the petitioner.

For Petitioner : Mr.K.Selvaraj

For R1 to R2 : Mr.M.J.Jaseem Mohamed

O R D E R

The impugned order dated 30.04.2013, stating that due to administrative reasons, it has been decided to refund the Earnest Money Deposit of Rs.10,000/-, Rs.7000/- along with the interest at the rate of 7.5% from the date of drawal of LOT to the date of issue of this order is under challenge in the present writ petition.



2. The learned counsel for the petitioner made a submission that pursuant to the advertisement made by the 1st respondent, Tamil Nadu Small Industries Development Corporation Ltd., in 'Daily Thanthi' Paper on 10.09.2010, the petitioner submitted his application for allotment of Industrial Plots on outright sale for industrial purpose. 18 Plots were advertised for outright purchase at Industrial Estate, Arakkonam. The petitioner submitted his application along with the requirements. The 1st respondent on 30.10.2010, directed the petitioner to appear for an interview on 19.11.2010 before the Screening Committee and produce the required documents and Project Reports before the Screening Committee. The petitioner has passed B.E. Civil Engineering from the University of Madras and also completed B.L.Degree from Dr.Ambedkar Law University. The petitioner states that he belongs to the SC/ST Community and the priority is to be given. The petitioner submitted that the project profile on Concrete Hole Blocks and Fly Ash Bricks. The petitioner participated in the interview and thereafter, no intimation came from the respondents to the petitioner in respect of the application submitted. On getting informations, the petitioner approached the authorities and the respondents have returned the Earnest Money Deposit to the unselected candidates. The first respondent orally informed the petitioner that petitioner's name has been kept in Rank No.1 in the Waiting List for allotment of Industrial Plots at Arakkonam. However, no such allotment order was given to the petitioner. Thus, the petitioner is constrained to move the present writ petition.

3. The Counter affidavit filed by the respondents reveal that the respondent published an advertisement on 10.09.2010. Admittedly, the petitioner participated in the interview before the Screening Committee. After scrutinizing the received applications submitted by the entrepreneurs to the Head Office, the eligible applicants were called for interview before the Screening committee. If the applicants were selected by the Screening committee and if the plot is vacant, then the allotment orders were issued to the applicants for allotment of plot, after conducting the LOT before the selected entrepreneur. However, in some of the Industrial Estate, the applicants were selected by the Screening Committee and vacant plots were not available as per the extent of plot recommended by the Screening committee. Thus, the applications were selected have been kept in the waiting list up to the year 2010.

4. Under these circumstances, the respondents informed the petitioner through letter dated 30.04.2013, stating that the application of the petitioner has been kept in waiting list No.1 position. However, due to administrative reasons, the Head Office ordered to refund the Earnest Money Deposit along with the interest at the rate of 7.5% and the same was calculated from the date of LOT made to the letter dated 30.04.2013. Allotments were already made for the eligible



persons and in respect of the applicants kept in the waiting list, an administrative decision was taken not to continue the Waiting List and accordingly, Earnest Money Deposit was refunded along with the interest.

5. This Court of the considered opinion that mere selection would not confer any right on the applicant unless any illegality or any irregularity is established in the matter of selecting candidates for allotment of Industrial Plots. If the petitioner is able to establish that if any other person kept in the waiting list has been allotted with the Plot, then he is entitled to seek the same benefit. However, the fact remains that allotments were granted in favour of few candidates and some applicants were kept in the waiting list. After sometime, an administrative decision was taken to cancel the waiting list in the year 2010 and accordingly, the Earnest Money Deposit made by the applicants were refunded along with the interest. Such an administrative decision taken to return the Earnest Money Deposit cannot be questioned by the petitioner, as his name was kept in the waiting list and no other person from the waiting list was allotted with the Industrial Plot. Thus, the petitioner was not discriminated by the respondents.

6. This apart, the waiting list was cancelled in the year 2010 and the writ petition was filed in the year 2013 and now almost 11 years lapsed. Thus, the petitioner has to participate in the fresh selection, if any notified for allotment of Industrial Plots.

7. This being the factum established, the petitioner has no right to claim allotment of Industrial Plot as the petitioner could not able to establish any acceptable legal ground for interference.

8. In respect of availability of vacant plots, the respondents are bound to follow the procedures as contemplated under the Rules and Regulations. In such an event, the petitioner if eligible, he is at liberty to participate in the process of selection.

9. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jeni/Kak



To

1.The Chairman & Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Electronics Complex,
Thiru-vi-ka Industrial Estate, Guindy,
Chennai 600 032.

2.The Branch Manager,
Tamil Nadu Small Industrial Development
Corporation Limited,
SIDCO Industrial Estate,
Gandhi Nagar,
Vellore 632 006.

+1 cc to Mr.Mr.K.Selvaraj, Advocate Sr.NO. 57468

W.P.No.21821 of 2013

A.SK(23.11.2021)