

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 4.2.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.14489 of 2020
and
W.M.P.No.17971 of 2020

M/s.Sri Ganesh Auto Products,
rep. by its Proprietor Mr.C.Srinivasan
Plot No.38 & 55,
SIDCO Industrial Estate (New)
Hosur Taluk, Krishnagiri District 635 126.

Petitioner

vs.

1. The Tamil Nadu Small Industries
Development Corporation Ltd.,
rep. by its Chairman and Managing Director,
Near SIDCO Electronics Complex,
Thiru Vi. Ka. Industrial Estate,
Guindy, Chennai 600 032.
2. The Deputy General Manager (IE-II),
Tamil Nadu Small Industries
Development Corporation Ltd.,
Near SIDCO Electronics Complex,
Thiru Vi. Ka. Industrial Estate,
Guindy, Chennai 600 032.
3. The Branch Manager,
Tamil Nadu Small Industries
Development Corporation Ltd.,
SIDCO Industrial Estate,
Hosur, Krishnagiri District 635 126.
4. M/s.Vijay Engineering,
rep. by its Proprietor Mr.J.Selvam,
No.9, Sapthagiri Nagar,
Bagalur Road, Hosur Taluk,
Krishnagiri District 635 109.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the 3rd respondent in his impugned order dated 22.9.2020 in Rc.No.44/B/2019 and quash the same as

illegal, arbitrary and in violation of principles of natural justice and consequently direct the 3rd respondent to restore the transfer order in favour of the petitioner.

For Petitioner : Mr.Parthasarathy, Senior Counsel for
Mr.P.Dinesh Kumar

For R1 to 2 : Mr.J.Jaseem Mohammed

For R4, R3 : No appearance.

ORDER

The petitioner, a manufacturer of CNC Machine components and automobile, auto turned components and sub assemblies for automotive and other engineering applications, has purchased a Plot from the fourth respondent which lies in the SIDCO Industrial Estate. The purchase was also made after obtaining the 'No Objection Certificate' from the Manager of SIDCO on 11.10.20019. Thereafter, a sale deed has also been executed by the fourth respondent in favour of the petitioner in the Sub Registrar Office Hosur in Document No.17505 of 2020.

2. After the execution of the sale deed and after transferring the plot in the name of this petitioner by the SIDCO, the fourth respondent has made an objection for transfer of plot in favour of the petitioner contending that the signature of the fourth respondent has been forged and the 'No Objection Certificate' was produced for the transfer of the land in favour of the petitioner and on the basis of very objection raised by the fourth respondent, the third respondent SIDCO, by the impugned order, cancelled the name transfer order issued in favour of the petitioner vide the impugned proceedings and as against the same, this petitioner has preferred this petition.

3. Mr.Jaseem Mohamed learned counsel appearing for respondents 1 to 3 submits that since the original allottee, the fourth respondent has made certain objections, based on that, the third respondent has passed the impugned order.

4. Though a notice has been served on the fourth respondent and the name is also printed in the cause list, there is no representation for the fourth respondent. It appears that this transfer has been made after a request made to the third respondent SIDCO for transferring the land in favour of the petitioner. 'No Objection Certificate' was also obtained by the third respondent for effecting transfer and thereafter, the sale deed also executed before the Sub Registrar, Hosur in Document No.17505 of 2020. The fourth respondent has not preferred any Criminal Complaint as against the petitioner for the alleged forgery claimed by the fourth respondent and similarly they have

not made any objections with regard to the sale deed which has been registered before the Sub Registrar Office. In the absence of any Criminal Complaint and without any steps for cancelling the sale deed, the respondent cannot proceed to cancel the transfer order and therefore, the impugned order is liable to be set aside.

5. Accordingly, it is set aside and the petitioner is permitted to occupy the plot and the transfer order dated 19.3.2020 issued by the third respondent is restored. The writ petition is ordered accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssk.

To

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+1cc to Mr.P.Dineshkumar, Advocate SR.6068

W.P.No.14489 of 2020

PM(CO)
CB(03/03/2021)