



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.7760 OF 2014

AND

M.P.NO.1 OF 2014

Mr.E.Nagaswamy

...Petitioner

Vs

1.The State of Tamil Nadu
Rep. by the Secretary
Department of Industries & Commerce,
Fort St. George,
Chennai - 600 009.

2.Tamil Nadu Small Industries
Development Corporation Ltd.,
TANSIDCO Ltd.,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Branch Manager,
SIDCO, Branch Office,
Vellore.

...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of certiorarified mandamus calling for the records of the second respondent relating to his letter R.C.No.11361/1E-7/2009 dated 28.02.2014 and singed on 05.03.2014, quash the same and direct the second respondent to recommend to the first respondent to grant prior approval for the allotment of Plot No.114 in the Industrial Estate, Arakonam to the petitioner for the original cost of Rs.1,56,81,600 per acre and pass further orders.



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For Petitioner : Mrs.T.Kundavai
For Respondent 1 : Mr.K.M.D.Muhilan,
Government Advocate
For Respondent 1 & 2 : Mr.S.P.Prabhakaran

O R D E R

The order dated 28.02.2014 seeking the willingness of the petitioner to pay the cost of the plot within 15 days for allotment is under challenge in the present writ petition.

2. The impugned order states that the assigned plot now lies abutting the 'State Highways Road'. Thus, as per the procedure being followed by SIDCO, the plot cost will be twice the normal plot cost. The cost of the plot proposed to be allotted for in favour of the petitioner for the year 2013-14, is Rs.2,81,23,400/-. Accordingly, the petitioner was requested to convey his willingness to pay the plot cost within 15 days, enabling the authorities to confirm the allotment.

3. Admittedly, the petitioner has not paid the plot cost and filed the present writ petition. The writ petition is pending for about 6 ½ years. Under these circumstances, this Court cannot fix the land cost as the cost is to be fixed by following the procedures and by the competent authorities.

4. The learned counsel for the petitioner states that due to covid-19 situation there is a slash in real estate business and the land cost is to be reduced. Further, he submitted that the subject plot has not been reallocated in favour of any other person.

5. If so, it is for the petitioner to approach the competent authority for the purpose of seeking any cost concession, if otherwise permissible in accordance with law. However, this Court cannot interfere with the land cost already fixed. If any further concession is to be granted, the authority competent alone is to take a decision by following the procedures as contemplated. In this regard, the petitioner is at liberty to submit an application before the respondents for



fixing the revised cost for the plot and if any such application is filed, the said application has to be considered on merits and in accordance with law.

WEB COPY 6. With these observations, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

rap/ars

To

1.The Secretary,
The State of Tamil Nadu,
Department of Industries & Commerce,
Fort St. George,
Chennai - 600 009.

2.Tamil Nadu Small Industries
Development Corporation Ltd.,
TANSIDCO Ltd.,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai - 600 032.

3.The Branch Manager,
SIDCO, Branch Office,
Vellore.

+1cc to M/s.R.Meenal, Advocate SR.No.50414
+1cc to Mr.S.Prabhakaran, Advocate SR.No.50234
+1cc to the Government Pleader SR.No.50848

W.P.No.7760 of 2014
M.P.No.1 of 2014

RLD(CO)
RVM(21/10/2021)