



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.19960 of 2021

S.Madhaiyan

...Petitioner

-Vs-

1. The Managing Director
The Tamilnadu Small Industries
Corporation Ltd.
Thiru.Vi.Ka. Industrial Estate, Guindy
Chennai 600032

2. The Executive Engineer
SIDCO Five Roads Salem.

3. The Branch Manager
SIDCO Branch Office Dharmapuri.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents Direct the Respondents to hand over the possession of the Tiny Match Shed No.17 Sidco Complex Vellagoundanpalayam Dharmapuri based on the allotment order dated 31.12.2020 of first respondent and subsequent letter by the 3rd respondent to the 2nd respondent dated 09.08.2021.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.E.Manoharan
Standing Counsel
for R1, R2

Mr.S.P.Prabhakaran
for R 3

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the respondents to hand over the possession of the property which was allotted to the petitioner by the first respondent through allotment order dated 31.12.2020.



2.The case of the petitioner is that the SIDCO originally had allotted property for running Tiny Match Box Industry to one Kamalam. Since the allottee did not take any steps to make the payments, the allotment was cancelled. Thereafter, the property was reallocated in favour of the petitioner through proceedings dated 06.08.2013. The petitioner made the entire payment as per the allotment order and consequently was seeking for the execution of the necessary document and for handing over the possession of the same.

3.Various incidents took place and in the meantime the allotment that was given in favour of the petitioner was also cancelled. The petitioner was forced to challenge the same and when the same was pending, there was some compromise between the parties and the petitioner was also willing to pay additional amount. Thus, the petitioner totally paid a sum of Rs.8,11,100/- towards the tentative cost of the property.

4.The first respondent through proceedings dated 31.12.2020, passed an allotment order in favour of the petitioner. The grievance of the petitioner is that the property has not been handed over to the petitioner and hence he made representations in this regard. Since the same did not evoke any response, the present writ petition has been filed before this Court.

5.When the matter was taken up for hearing on 04.10.2021, this Court directed the learned Standing Counsel appearing on behalf of the respondents to take instructions and report before this Court.

6.When the matter was taken up for hearing today, the learned Standing Counsel submitted the typed set of papers and explained the stand taken by the respondents. The learned Standing Counsel submitted that the total extent of the property that was allotted in favour of the petitioner works out to roughly 1848 sq.ft. Out of the same, the area in which the shed was located, works out to 1435 sq.ft. A small portion of the area measuring an extent of 27 sq.ft., was illegally occupied by some one. Hence, the Assistant Engineer sent a communication to the Branch Manager of SIDCO to the effect that the possession will be handed over to the petitioner after removing the encroachments. It was further submitted that several attempts were made to remove the encroachments and the same did not fructify.

7.The learned Standing Counsel therefore submitted that the respondents will hand over possession to the petitioner to the extent of 1435 sq.ft. Insofar as the remaining portion which is under encroachment, the corresponding amount will be refunded to the petitioner.



8.The learned counsel for the petitioner submitted that the petitioner is willing to take the offer made by the respondents.

9.In view of the above, there shall be a direction to the 2nd respondent to hand over possession of the property to the extent of 1435 sq.ft. The 2nd respondent shall take all efforts to clear the encroachment, if required with police help. If any request is made by the 2nd respondent, the Superintendent of Police shall provide necessary police protection to enable the respondent to take possession of the property. If inspite of such an effort made by the 2nd respondent, the same does not fructify, the 2nd respondent shall refund the corresponding amount to the petitioner. This process shall be completed by the 2nd respondent within a period of six weeks from the date of receipt of copy of this order.

10.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Managing Director
The Tamilnadu Small Industries
Corporation Ltd.
Thiru.Vi.Ka. Industrial Estate, Guindy
Chennai 600032
2. The Executive Engineer
SIDCO Five Roads Salem.
3. The Branch Manager
SIDCO Branch Office Dharmapuri.

+1cc to Mr.K.Thiruvengadam, Advocate, S.R.No.55747
+1cc to Mr.S.P.Prabhakaran, Advocate, S.R.No.55628
+1cc to the Government Pleader, S.R.No.56180

W.P.No.19960 of 2021

SS(CO)
RGA(17/11/2021)