



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.8237 of 2021

and

W.M.P(MD)Nos.6224 and 6270 of 2021

V.Muthusamy

... Petitioner

Vs.

1.The Managing Director,
Tamilnadu Small Industries Development Corporation,
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai - 32.

2.The General Manager,
SIDCO, Thondi Road,
Sivagangai - 630 561.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to forthwith execute a sale deed in favour of the petitioner in respect of the commercial plot measuring 4 cents and known as CMP2 at SIDCO Industrial Estate, Sivagangai to the petitioner on receiving the stipulated cost of the plot.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondents	: Mr.T.sakthi Kumaran, Standing Counsel

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to forthwith execute a sale deed in favour of the petitioner in respect of the commercial plot measuring 4 cents and known as CMP2 at SIDCO Industrial Estate, Sivagangai to the petitioner on receiving the stipulated cost of the plot.

2. The learned counsel appearing for the petitioner would state that the petitioner is a business man and running a hollow block unit. Earlier, the respondent Corporation for the purpose of providing facilities to small scale industries, acquired lands all over Tamilnadu and develops the same into Industrial Estates. In



pursuance to such objective, the respondent Corporation has developed an Industrial Estate in Sivagangai known as SIDCO Industrial Estate - Sivagangai. The petitioner had also submitted an application for plot bearing No.26 measuring to an extent of 33 cents and the same was allotted to him and he is running a hollow block unit in the said plot. While the matter stood thus, the respondents called for application for the sale of remaining plots in the said Industrial Estate. As the petitioner wants to expand his business, he needs more area and therefore, he made an application for the remaining plots including commercial plots measuring 44 cents and 4 cents respectively expressing his willingness to pay cost of Rs.3,45,000/- and pursuant to that, the petitioner was also called upon to attend the interview on 23.10.2019. The petitioner also attended the interview and submitted his proposal. However, the respondents held up the commercial plots for the reasons best known to them. Hence, the petitioner filed a writ petition in W.P(MD)No.3313 of 2020 wherein this Court has granted an order of status-quo. At that time, a letter 28.10.2020 has been communicated to the petitioner stating that the respondents decided to allot Plot No.CMP2 with an extent of 4 cents at SIDCO Industrial Estate, Sivagangai on withdrawal of the case. Accordingly, the petitioner has withdrawn the writ petition and has also produced the copy of the order before the respondents and in spite of that, the request of the petitioner has not been considered as stated in the letter dated 28.10.2020. Hence, the petitioner has come to this Court by way of filing this writ petition with the aforesaid prayer.

3. When the matter was taken up for hearing today, the learned standing counsel appearing for the respondents would state that the request of the petitioner will be considered in the light of the letter dated 28.10.2020.

4. Heard the submissions made on either side and perused the materials available on record.

5. It is an admitted fact that on earlier occasion, the petitioner has withdrawn the writ petition filed by him based on the letter issued by the respondents dated 28.10.2020 stating that they have decided to allot Plot No.CMP2 with an extent of 4 cents at SIDCO Industrial Estate, Sivagangai, to the petitioner, on withdrawal of the case and in view of the said fact, now the respondents cannot deny to allot the plot as requested by the petitioner. The said letter is extracted hereunder:

"R.C.No.987/L3/2020

Date 28.10.2020

To

Thiru.V.Muthusamy,

S/o.Vadivel,

Door No.1480, Anna Nagar,

<https://hcservices.ecourts.gov.in/hcservices/>



Thondi Road,
Sivagangai,
Sir,

WEB COPY

Sub:SIDCO - Legal Wing -W.P(MD)No.3313/2020 filed
by Thiru V.Muthusamy before the High Court
of
Madras at Maduri - Reg.

Ref:1.This office letter of even No dt. 13.03.2020.
2.Your letter dt. 14.08.2020 addressed to the
Branch Manager, SIDCO, Sivaganga.

....

We write to inform that you have filed W.P(MD)No.3313/2020 before the Madurai Bench of Madras High Court against SIDCO with a prayer to pass an order of interim direction forbearing the respondents from allotting the commercial plots measuring 4 cents and known as CMP2 at SIDCO Industrial Estate, Sivagangai to any person other than the petitioner pending disposal of the above writ petition and also directing the respondents to allot the commercial plots measuring 4 cents and known as CMP2 at SIDCO Industrial Estate, Sivagangai to the petitioner and execute the sale deed to enable the petitioner to run his business as per his application dated 30.09.2019.

In this connection we have directed to allot the Plot No.CMP2 with an extent of 4 cents at SIDCO Industrial Estate, Sivaganga to you on withdrawal of the case vide reference 1st cited.

In the reference 2nd cited, you have stated that he has submitted his withdrawal petition in the Madurai Bench of Madras High Court in W.P(MD)No.3313/2020.

We therefore request you to kindly produce the court order for withdrawn in W.P(MD)No.3313 of 2020 before the Madurai Bench of Madras High Court, so as to take further action in this regard.

Yours faithfully,
For TANSIDCO LTD.,

For General Manager"



6. Therefore, the writ petition is allowed and in the light of the letter issued by the respondents in R.C.No.987/L3/2020 Dated 28.10.2020, the respondents are directed to forthwith execute a sale deed in favour of the petitioner in respect of the commercial plot measuring 4 cents and known as CMP2 at SIDCO Industrial Estate, Sivagangai to the petitioner by receiving the stipulated cost of the plot. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:

(ii) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Pm
To

1.The Managing Director,
Tamilnadu Small Industries Development Corporation,
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai - 32.

2.The General Manager,
SIDCO, Thondi Road,
Sivagangai - 630 561.

+1 CC to M/s.G,PRABHU RAJADURAI, Advocate (SR-19611[F] dated 18/06/2021)

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-19572[F] dated 18/06/2021)

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17.06.2021

GS (25.06.2021) 4P 5C