



WEB COPY

W.P.(MD)No.15231 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.09.2021**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.15231 of 2021
(Through Video Conference)

S.Umadevi

.. Petitioner

-Vs-

1.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai-600 008.

2.The Project Director,
SIPCOT Industrial Park,
Nilakkottai,
Dindigul District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to grant further period of one month time from the date ie., on 27.08.2021 for the payment of allotment amount under Ref.No.PII/SIC-NLK/Sri Karpaga/2021 dated 27.05.2021 issued by the first respondent.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.N.Adithyavijayalayan
Standing Counsel

ORDER

Prayer sought for herein is for a writ of mandamus, directing the first respondent to grant further period of one month time from the date ie., on 27.08.2021, for the payment of allotment amount under Ref.No.PII/SIC-NLK/Sri Karpaga/2021, dated 27.05.2021, issued by the first respondent.

2.The first respondent had made an allotment of place by allotment order, dated 27.05.2021 to the petitioner, by considering the petitioner's application, dated 07.12.2021, to run the electrode industry. As per the allotment, Plot No.C-31, measuring 2.00 acres, on 99 year lease basis, for an amount of Rs.18,17,600/- had been made, and as per one of the condition of allotment, within 30 days,

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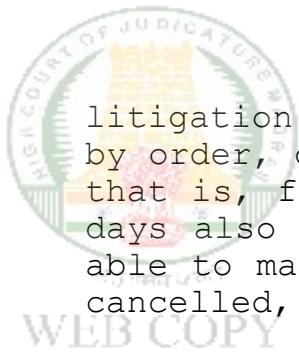


that is, on or before 25.06.2021, 100% plot cost shall be paid by the petitioner.

3. Accordingly, the allotment had been given to the petitioner pursuant to which, the petitioner had made arrangement for finance and he had approached the Bank for getting loan, and for making the process of getting loan from the bank, it seems that, there has been a delay, therefore, it triggered the petitioner to seek for extension of time to pay the amount, and in this regard, the petitioner had already approached this Court by filing a writ petition in W.P(MD).No.10848 of 2021, where, a learned Judge of this Court, by an order, dated 09.07.2021, had given 90 days time to the petitioner, from the date of allotment, for making payment. The said 90 days time granted by the Court in the said order, dated 09.07.2021, also expired on 26.08.2021, but even within the 90 days time, the petitioner could not make the payment. The reason for such delay is, according to the petitioner, the petitioner had already applied for loan in the REPCO HOME FINANCE LTD., and they have sanctioned the loan by sanction order, dated 17.08.2021 and the other formalities yet to be completed, therefore, the amount has not been advanced so far, hence, in order to get the amount from the Bank as sanctioned by the Bank, the petitioner, now wants only a further extension of 30 days time, within which, the petitioner would certainly make the payment of 100% plot cost, in order to fulfil the condition as already been imposed by the order of this Court, and therefore, seeking such extension of 30 days time, such a request having been made by the petitioner on 19.08.2021 to the respondents, since the same has not been considered by the respondents, he has approached this Court by filing the present writ petition.

4. Heard Mr.S.Muthukumar, learned counsel appearing for the petitioner, who, having reiterated the aforesaid facts, would seek indulgence of this Court that, if, only 30 days time is further extended to the petitioner, in view of the loan having been sanctioned already by sanction order, dated 17.08.2021, the petitioner would certainly be able to make the payment to the first respondent for the plot cost and therefore, such kind of indulgence, if the first respondent shown to the petitioner, that will be actually helpful to the petitioner to establish his industry in the plot allotted to him.

5. However, Mr.N.Adithyavijayalayan, learned Standing Counsel appearing for the respondents, on instructions, would submit that, as per the conditions annexed with the allotment order dated 27.05.2021, the petitioner should have paid the entire cost of the plot, that is, 100% cost within 30 days, that is, on or before 25.06.2021. The petitioner failed to make such payment, however, he sought for further time, which was since not considered by the respondents, he has approached this Court in the earlier round of



litigation and filed the said writ petition, where, also this Court, by order, dated 09.07.2021, has given extension of time for 90 days, that is, from the date of allotment, and that extended period of 90 days also was over by 25.08.2021, even then, the petitioner is not able to make the payment, therefore, her allotment, is liable to be cancelled, he contended.

6.I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7.No doubt, as per one of the conditions of the allotment order, the petitioner has to make a full payment of the plot cost within 30 days, that is, on or before 25.06.2021, however, due to the unavoidable circumstances, it could not be made possible by the petitioner, therefore, he has approached this Court, where, a learned Judge of this Court in the order, dated 09.07.2021, made in W.P(MD).No.10848 of 2021, had granted time in a whole of 90 days, which, also expires on 25.08.2021. However, in the meanwhile, that is, within the given 90 days, considerable progress has been made by the petitioner side, where, his application has been made already to the Bank concerned, was processed and a loan sanction letter has also been given by the Bank concerned on 17.08.2021, and a copy of the same has also been filed in the typeset of papers.

8.In view of the said loan sanction order, now, the petitioner will be in a position to get the loan amount, and pay the same within a shortest possible time, for which purpose alone, the petitioner seeks the present extension of only 30 days.

9.The very purpose of making allotment to new entrepreneurs, like the petitioner, is to encourage the industrial development evenly in all places, and in this regard, when plot was allotted to the petitioner, the petitioner seems to have made an arrangement to establish the industry, for which, first of all, the amount payable to the respondents by way of plot cost, has to be made, for which, in order to arrange the finance, the petitioner had already approached the Bank, and the Bank also sanctioned the loan amount, which is evident in the letter received from the Bank, dated 27.08.2021, therefore, it shows that, within a shortest possible time, the petitioner is able to make the full plot cost to the respondents, therefore, taking into account the said circumstances, this Court feel that, as a last chance, further time of 30 days can be extended to the petitioner to make the full payment of the plot cost, and within the said time, if the petitioner is not able to make the payment, it is open to the first respondent to take action against the petitioner and to take steps to cancel the allotment.

10.In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

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"that there shall be a direction to the first respondent to give 30 days time to the petitioner from today, ie., upto 30.09.2021, for making the full cost of the plot, that is, 100% cost, and within the said 30 days time, if the petitioner is not able to make the full cost, it is open to the first respondent to take action against the petitioner including cancellation of the allotment order."

11. This writ petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note:

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.

To

1.The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai-600 008.

2.The Project Director,
SIPCOT Industrial Park,
Nilakkottai,
Dindigul District.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-27921[F] dated 02/09/2021)

**W.P. (MD)No.15231 of 2021
01.09.2021**

RK (17.09.2021) 4P 4C