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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.8145 of 2022

P.V.M.Palanisamy

.. Petitioner

Vs.

- 1.The Chairman,
The Tamilnadu Industrial Investment Corporation Limited,
No.692, Anna Salai,
Nandanam, Chennai 600 035.
- 2.The General Manager,
District Industrial Centre,
Salem,
Salem District.
- 3.The Regional Deputy Director and
Project Officer,
Rural Industries Project,
Salem 4,
Salem District.
- 4.The Commissioner,
Panchayat Union,
Tharamangalam,
Omalur Taluk,
Salem District 636 502.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 15.11.2018 and execute the sale deed in respect of the work shop No.III in the Rural Industrial Estate at Tharamangalam Village, Omalur Taluk, Salem District, which was allotted to the petitioner's father Late. P.V.Murugesu Mudaliar in favour of the petitioner.



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For Petitioner : Mr.S.Doraisamy

For R1 : Mr.K.Magesh
(Standing Counsel for TIIC)

For RR2 & 3 : Mr.U.Baranidharan
(Additional Government Pleader)

For R4 : Mr.A.Selvendran
(Special Government Pleader)

O R D E R

This Writ Petition is filed by the petitioner seeking for a direction to the respondents to consider the representation of the petitioner dated 15.11.2018 and execute the sale deed.

2. According to the petitioner, the Industrial Work Shop No.III, measuring an extent of 6400 Sq.Ft. in Rural Industrial Estate, Tharamangalam, Omalur Taluk, Salem District was allotted to his father on 10.05.1978, as he was the highest successful bidder. A lease cum sale deed dated 25.05.1978 was entered into between the father of the petitioner and 4th respondent. As per the lease cum sale deed, the sale price was fixed at Rs.36,064/- and the said amount has to be paid in equal half yearly payments for 15 years. According to the petitioner, his father was paying installments regularly. There was some default. On 19.04.1993, the 4th respondent issued a notice to the petitioner's father, stating that lease period came to an end on 23.03.1993, the lessee has paid a sum of Rs.79,110/- and balance amount of Rs.10,904/- is due as on 19.04.1993. On payment of said amount, the sale deed will be executed in the name of the petitioner's father. The petitioner's father paid the said amount and made a request on 10.05.1993, enclosing the copy of the challan for payment and requested to execute the sale deed. On 23.08.1995, the 4th respondent requested the 2nd respondent to execute the sale deed in favour of the petitioner's father. Since no action was taken by the 2nd respondent, the petitioner's father sent a letter dated 12.12.1995 to the 2nd respondent to execute the sale deed. While so, the 4th respondent, on 06.07.2005, issued a notice to the petitioner's father, demanding payment of Rs.27,446/-. While so, during protest made against rising Yarn price by political parties, some unknown persons set fire to petitioner's power loom factory and entire power loom unit and factory building have been completely damaged in fire. The petitioner's father suffered huge loss and his business operation completely stalled. Now the factory is in dilapidated condition. The petitioner's father paid entire amount due to the respondents. Even after receiving the entire amounts, the respondents have not executed the sale deed in favour of his



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father. The petitioner's father, in view of the loss in the business, committed suicide. The petitioner sent a representation on 15.11.2018 to execute the sale deed. Since no order is passed, the petitioner has come out with the present Writ Petition.

3.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that due to passage of time, a substation is established in the property in question and 4th respondent has directed the Village Administrative Officer to survey the land. He further submitted that based on the report of the Surveyor, the representation of the petitioner will be considered and orders will be passed.

4.Heard the learned counsel appearing for the petitioner, learned Standing Counsel appearing for 1st respondent, learned Additional Government Pleader appearing for the respondents 2 and 3 as well as the learned Special Government Pleader appearing for the 4th respondent and perused the entire materials available on record.

5.From the above materials on record, it is seen that according to the petitioner, his father has paid entire sale price for Work Shop allotted to him and requested to execute the sale deed in his favour. While so, the 4th respondent demanded further sum of Rs.27,446/-. The petitioner has given representation dated 15.11.2018 to execute the sale deed in his favour, as entire amount was paid by his father. It is the case of the 4th respondent that now a substation has been established by the electricity board and they have requested the Village Administrative Officer to survey the land and based on the report, request of the petitioner will be considered. Considering the above materials, the petitioner is directed to give a fresh representation enclosing all the documents to prove that entire amount was paid. On receiving such representation, the 4th respondent is directed to consider the execution of the sale deed as claimed by the petitioner on merits.

With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Chairman,
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- 4.The Commissioner,
Panchayat Union,
Tharamangalam,
Omalur Taluk,
Salem District 636 502.

+1cc to Mr.S.Doraisamy, Advocate SR.No.25706

+1cc to Mr.K.Magesh, Advocate SR.No.25456

W.P.No.8145 of 2022

SKM(CO)
GMY(28/04/2022)