



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.04.2022

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.No.8253 of 2022

M/s.Rainbow Stones Pvt. Ltd.,
Rep. By its Director,
Ch. Sagar Reddy,
Sy.No.227/2M1, 297/2A, 296/1A1, 296/2A1,
Nallaganakothapalli Village,
Hosur Taluk,
Krishnagiri District,
Tamilnadu 635 117.

..Petitioner

Vs.

- 1.The Managing Director,
State Industries Promotion
Corporation of Tamilnadu, (SIPCOT),
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.
- 2.The Special District Revenue Officer,
State Industries Promotion Corporation of
Tamil Nadu (SIPCOT),
Krishnagiri, Krishnagiri District,
Tamilnadu.
- 3.The Special Tahsildar,
SIPCOT Phase - III, Unit-II,
Shoolagiri Taluk,
Krishnagiri District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of petitioner representation dated 15.03.2022 on merits.

For Petitioner: Mr.D.S.Ra.P.Pratap Singh
for M/s.P.M.Sozhendran

For R1 : Mr.S.Girissh
for M/s.M.Karthikeyan
(Standing Counsel for SIPCOT)



For RR2 & 3: Mr.R.Kumaravel
(Additional Government Pleader)

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O R D E R

This Writ Petition is filed by the petitioner for a direction to the 1st respondent to consider his representation dated 15.03.2022.

2.By consent of the learned counsel appearing for the petitioner, Mr.S.Girissh, learned Standing Counsel who takes notice for the 1st respondent as well as Mr.R.Kumaravel, the learned Additional Government Pleader who takes notice for the respondents 2 and 3, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner is owner of the lands comprised in Old Survey No.227/2M, New Survey No.227/2M1, measuring an extent of 0.00.1/2 acres, Old Survey No.297/2, New Survey No.297/2A measuring an extent of 0.40 acres, Old Survey No.296/1A, New Survey No.296/1A1 measuring an extent of 3.53 acres, Old Survey No.296/2A, New Survey No.296/2A1, measuring an extent of 3.09 acres, totalling 7.02 ½ acres in Nallaganakothapalli Village, Hosur Taluk, Krishnagiri District. The said land originally belonged to M/s.EL Forge Limited. The petitioner purchased the land by way of a registered sale deed dated 19.07.2013 bearing Document No.2902 of 2013 on the file of the Sub Registrar, Shoolagiri. The Tahsildar, Hosur Taluk issued patta to the above lands in favour of the petitioner, after subdivision of the lands. The Director of the petitioner constructed a building to run a factory for export oriented unit and obtained permission from the Development Commissioner, MEPZ Special Economic Zone, Tambaram, Chennai and also obtained certificate from the Commissioner, Shoolagiri Panchayat Union, Krishnagiri District. In order to develop the business, the petitioner approached Canara Bank, SME, Malur Branch, Karnataka. The Malur Branch of Canara Bank, after scrutinizing the title deeds in respect of the above properties, instructed the petitioner to deposit the title deeds in respect of the said properties by way of Memorandum of deposit. The petitioner prepared the Memorandum of deposit of title deeds and submitted the same to the Sub Registrar, Shoolagiri, Krishnagiri District for registration. The said Sub Registrar returned the same by Refusal Slip No.RF/Soolagiri/22/2022 on 04.03.2022, stating that the lands in question were acquired by SIPCOT. The petitioner enquired with respondents and found that it was not acquired by the SIPCOT.



Hence, the petitioner gave a representation dated 07.03.2022 to the 2nd respondent and another representation dated 15.03.2022 to the 1st respondent, to issue No Objection Certificate, enabling the Sub Registrar to register the Memorandum of title deeds in respect of the properties referred to above. The respondents 1 and 2 have not passed any order. Hence, the petitioner has come out with the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that due to the delay, the petitioner is unable to get loan from the Bank and has suffered huge loss and is not in a position to run the factory. The Bank has already sanctioned the loan. Due to non-registration of deposit of title deeds in respect of the above properties, the petitioner is not in a position to get financial assistance from the Bank. When the SIPCOT has not acquired the lands, the respondents have to give NOC, so that cloud over the title of the petitioner can be cleared and the petitioner can deal with the properties.

5.Considering the above materials and contention of the learned counsel appearing for the petitioner that petitioner purchased the lands, patta is also issued in the name of the petitioner and for taking financial assistance, the Bank insisted the petitioner to execute the Memorandum of title deeds in respect of the properties in favour of the Bank, the 2nd respondent is directed to consider the representation of the petitioner dated 07.03.2022 and pass orders, as to whether the land in question is acquired or not, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed.
No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gsa



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+1 CC to Mr.P.M.Sozhendran, Advocate sr 23338
+1 CC to The Government Pleader sr 23391.

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SPD(CO)
SP(08/04/2022)