



W.P.Nos.14324 & 14328 of 2020, 155 & 21486 of 2021, 21241, 21250 & 21253 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

**WP.Nos.14324 & 14328 of 2020, 155, 21486 of 2021, 21241, 21250
& 21253 of 2022**

Contempt Petition Nos. 714 & 784 of 2022

W.P.No.14324 of 2020

M/s.Indo Devei Company,
Rep. by its Proprietor,
Plot No.25, SIDCO Women Industrial Park,
Karuppur, Salem District – 636 011.

... Petitioner

Vs

1. Tamil Nadu Small Industries Development
Corporation, Rep. by its Managing Director,
SIDCO, Thiruvika Industrial Estate,
Guindy, Chennai – 32.

2. The Branch Manager,
Tamil Nadu Small Industries Development
Corporation, Five Roads, Salem – 4.

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India,
to issue a Writ of Mandamus to direct the first respondent to execute the
sale deed in favour of the petitioner in respect of Plot No.25, having an



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extent of 6148 cents [approx] in the Women Industrial Park at SIDCO Industrial Estate, Karupur, Salem District extending the Orders of this Court dated 22.01.2015 in W.P.No.28993 of 2014 to the petitioner also and in the light of the principles and procedure adopted and followed for the sale consideration and stamp duty therefor for executing the sale deed dated 20.01.2020 and for registering the same as Doc.No.322 of 2020 on the file of Sub-Registrar, Omalur, Salem District within a time frame as may be fixed by this Court.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.Mohammed Mudassin Ali

COMMON ORDER

These writ petitions have been filed to direct the first respondent to register the sale deed in favour of the allottees as per the Order of this Court and in the light of the principles and procedure adopted and followed for sale consideration and stamp duty.

2. Since the issue involved in both the writ petitions is with regard to the regard to registration of sale deeds in favour of the allottees, with the consent of both parties, Common Order has been passed.



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3. It is an admitted fact that this Court has already passed an Order in W.P.No.29883 and 29997 of 2014 dated 22.01.2015 by quashing the impugned demand of additional cost fixed by the SIDCO, also directed the respondent to execute the sale deed as expeditiously as possible. The said Order has also been confirmed by the Division Bench of this Court in W.A.Nos.813 and 814 of 2015 dated 23.10.2017. It is also not disputed that thereafter, the respondent corporation has already executed sale deeds in favour of similarly placed persons on 20.01.2020, which is also registered on the file of Sub Registrar as document No.322 of 2020. However, in respect of all these writ petitioners, sale deeds have not been executed. Therefore, the Writ Petitions have been filed for non execution of the sale deeds in favour of the Writ Petitioners, inspite the Order of this Court.

4. The learned counsel appearing for the second respondent has filed a status report wherein it is stated that in Writ Petition Nos.14315, 14322, 14323, 14328, 14327, 14324 of 2020, the Orders have passed by this Court on 05.11.2020 directing the respondent to comply the earlier Order of this



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Court and register the sale deeds. Pursuant to the above Order, four sale deeds have been executed in respect of the allottees Govindammal, N.Kalamani, V.Maheswari and R.Rani. As far as the allottee one M.Sumathi, petitioner in W.P.No.14328 of 2020 is concerned, execution of sale deed is under process and the same will be executed in a weeks time. In respect of one Devi, proprietrix of M/s.Indo Devi Company, petitioner in W.P.No.14324 of 2020 is concerned, she has expired on 16.08.2022 and legal heirs are directed to produce relevant documents like death certificate and legal heir certificate and change in name application to the second respondent and on receipt of such application along with required documents, the respondent will execute the sale deed in favour of her legal heirs.

5. As far as other Writ Petitioners in W.P.Nos.155 & 21486 of 2021, 21241, 21250 and 21253 of 2022 are concerned, they are also allottees. However, sale deeds have not been executed in their favour. In the Status Report filed by the second respondent, it is stated that if this Court directs the respondent to execute the sale deed, they will execute the sale deed in favour of the above Writ Petitioners without any further delay.



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6. In the Writ Petition in W.P.No.21241 of 2022, the petitioner had sought to refund of Rs.six lakhs legally collected from her along with interest thereon. This amount has been collected from her towards additional cost demanded by the respondents. It is relevant to note that claiming of additional charges has been quashed by this Court in W.P.No.28993 of 2014 by an Order dated 22.01.2015 which has been confirmed by the Division Bench of this Court in Writ Appeal Nos.813 of 2015, by an Order dated 23.10.2017. When the demand of additional cost itself has been quashed, the Writ Petitioner in W.P.No.21241 of 2022 is entitled to refund of the amount.

7. Accordingly, these Writ Petitions are disposed of on the following terms :

[i] In W.P.No.14324 of 2020, the legal heirs of deceased Devi, Proprietrix of Indo Devi Company shall submit the legal heir certificate and along with application and relevant documents before the first respondent within a period of one month from the date of receipt of a copy



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of this Order. On production of such documents, the first respondent shall execute the sale deed in favour of the legal heirs within a period of one month thereafter, as per the undertaking given by the respondents before this Court.

[ii] In W.P.Nos.155 & 21486 of 2021, 21250 and 21253 of 2022, there shall be a direction to the first respondent to execute the sale deeds in favour of the Writ Petitioners within a period of two months from the date of receipt of a copy of this Order.

[iii] As far as W.P.No.14328 of 2020 is concerned, the first respondent is directed to execute the sale deed in favour of the petitioner within a period of one week as undertaken by the respondents in their affidavit filed before this Court.

[iv] In W.P.No.21241 of 2022, the first respondent besides executing the sale deed in favour of the petitioner, is directed to refund the amount of additional cost of Rs.6,00,000/- [Rupees six lakhs only] paid by the petitioner within a period of two months from the date of receipt of a copy



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of this Order.

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[v] The petitioners in W.P.Nos.14324, 14328, 14315, 14323, 14327, 14322 of 2020 have filed Contempt Petition No.714 of 2022 as the respondents have not obeyed the Order of this Court and not executed Sale Deed in their favour. The learned counsel appearing for the respondents submitted that the petitioner in W.P.No.14324 of 2020 has died and if the legal heirs approach the first respondent with all the relevant documents along with the application, the first respondent shall execute the sale deed in their favour. The learned counsel appearing for the respondents further submitted that execution of sale deed in favour of the petitioner in W.P.No.14328 of 2020 is under process and they will execute the sale deed in favour of the petitioner within a period of one week. Further, in the status report filed by the respondent, it has been stated that sale deed has already been executed in favour of the petitioners in W.P.Nos.14315, 1423, 14327 and 14322 of 2020. The above submissions made by the learned counsel appearing for the respondents is recorded. Accordingly this Contempt Petition is closed.

[vi] The petitioner in W.P.No.21486 of 2021 has also filed a



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Contempt Petition No.784 of 2022 as the respondents have not executed the sale deed in favour of the petitioner. Today, the learned counsel appearing for the respondents have filed a status report stating that if a direction is given by this Court, they will execute the sale deed in favour of the petitioner without any further delay. The submission made by the learned counsel appearing for the respondents is recorded. In view of the Order passed today [19.12.2022] in W.P.No.21486 of 2021, this Contempt Petition is closed.

No costs.

19.12.2022

vrc

To,

1. Tamil Nadu Small Industries Development Corporation, Rep. by its Managing Director, SIDCO, Thiruvika Industrial Estate, Guindy, Chennai – 32.
2. The Branch Manager, Tamil Nadu Small Industries Development Corporation, Five Roads, Salem – 4.



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N.SATHISH KUMAR, J.

VTC

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21241, 21250 & 21253 of 2022
& Contempt Petition No.784 of 2022**

19.12.2022