



W.P.(MD)No.13120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.13120 of 2022

and

WMP(MD) No.9320 of 2022

K.Vellaisamy

.. Petitioner

Vs

1. The Branch Manager
Tamil Nadu Small Industries Development
Corporation Limited,
Thondi Road, Sivaganagai- 630 561
2. The Chairperson and Managing Director
Tamil Nadu Small Industries Development
Corporation Limited,
SIDCO Corporate Office Building,
Thiruvika Industrial Estate,
Guindy, Chennai- 600032.
3. K.Sasikala
Branch Manager,
Tamil Nadu Small Industries Development
Corporation Limited,
Thondi Road, Sivagangai.
4. The General Manager
Tamil Nadu Small Industries Development
Corporation Limited,
SIDCO Corporate Office Building,
Thiruvika Industrial Estate,
Guindy, Chennai- 600032

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the impugned order in Rc.No.9653/1E11/2021 dated 24.05.2022 on the file of the fourth respondent and quash the same.

For Petitioner	: Mr.Selva Aditya for Mr.G.Prabhu Rajadurai
For Respondents No.1,2 and 4	: Mr.T.Sakthikumaran Standing Counsel.

ORDER

This Writ Petition has been filed to quash the impugned order in Rc.No.9653/1E11/2021 dated 24.05.2022 on the file of the fourth respondent.

2. The petitioner, who is the Proprietor of M/s.Hotel Ganga was allotted plot at SIDCO Industrial Estate, Sakkarakottai, to an extent of 1.160 acre at Rs.46,72,800/- and this allotment has been cancelled in Rc.No.9653/IE11/2021 dated 24.05.2022. Prior to it, show cause notice dated 06.04.2022 was issued. In the show cause notice, the primary contention of the respondent/Corporation is that the petitioner had divided plot No.34 at Industrial Estate, Sivagangai, into four tiny plots



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and executed a sale agreement with one Vijayakumari, which is in violation of allotment of rules and regulations. Hence, the petitioner having committed a mistake in the industrial estate, he is likely to commit similar mistake in plot No.2 at Industrial Estate, Sakkarakottai. The petitioner on receipt of the show cause notice had sent a detailed reply stating that the apprehension is unwarranted. The petitioner has given reason for why the earlier proposal of Auto LPG Dispensing Station cannot be completed within the stipulated time and sought for change of hotel business, which is also permitted as per the terms and conditions, that too after confirming with the concerned authorities, Likewise for tiding over the covid-19 pandemic situation and financial crisis, to make payments, he has made financial arrangement and part of requirement of financial arrangement, the unregistered document has been created with the said Vijayakumari and thereafter, the same has been now cancelled and the property had never been handed over to any person and it is very much in the custody and enjoyment of the petitioner. Further, his wife has also got allotment in the said SIDCO and it seems there is some difference of opinion with the then Manager therein, for which, his wife has taken legal course. The petitioner, apprehended to



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be man behind his wife's action, hence targeted. Earlier, when the petitioner's allotment of plots in SIDCO Industrial Estates at Sivagangai was cancelled, he moved a writ petition in WP(MD) No.11131 of 2020 and this court by an order dated 09.06.2022 had set aside the cancellation order of Sivagangai SIDCO Industrial Estates and directed the concerned authorities to follow the procedure, give opportunity to the petitioner of being heard and thereafter consider the petitioner's representation and then pass orders. In this case, the main ground relied by the respondents is that petitioner's only plot at Sivagangai has been cancelled, but it is not so, hence, the cancellation order in RC NO. 9653/1E/1121 dt 24.05.2022 is liable to be quashed.

3. The learned counsel for the respondents would submit that in view of the order passed in WP(MD) No.11131 of 2020 with regard to the plot at Sivaganagai now the department is contemplating to conduct enquiry by calling the petitioner, receive his objections, give personal hearing and thereafter, will proceed further in accordance with law. He fairly submitted that this order is the consequential order to the earlier show cause notice and in view of the same he admits that the cancellation



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order may not have legal standing. His only apprehension is that the respondents right of reclaiming the property, in the event of petitioner having found to violate the rules of SIDCO Industrial Estate and the allotment conditions, appropriate action will have to be taken by them in accordance with law.

4. Considering the above submissions, this Writ Petition is allowed and the impugned cancellation order is set aside. The respondents are directed to proceed in accordance with law, in case appropriate materials are found and not on merely on surmises and conjectures. No costs. Consequently connected miscellaneous petition is also closed.

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Index: Yes/No
Internet : Yes/No
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M.NIRMAL KUMAR, J.

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