



W.P(MD).No.13302 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.13302 of 2022

and

W.M.P.(MD).No.9445 of 2022

Eujin Mary

... Petitioner

Vs.

- 1.The Secretary,
O/o.The Secretary,
Tamil Nadu Small Industries
Development Corporation (SIDCO),
Secretariat,
Chennai – 09.
- 2.The General Manager (Admin),
Tamil Nadu Small Industries
Development Corporation (SIDCO),
Thiru-Vi-Ka Industrial Estate,
Near SIDCO Electronic Complex,
Guindy,
Chennai – 32.
- 3.The Estate Officer/Branch Manager,
Tamil Nadu Small Industries
Development Corporation (SIDCO),
Industrial Estate,
K.Pudur,
Madurai – 625 007.



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4.The Tahsildar,
Madurai North Taluk,
Madurai.

5.The Proprietor,
Pioneer Engineering Industry,
B-1, Industrial Estate,
K.Pudur,
Madurai – 625 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent in Na.Ka.No. 622/A3/2021 dated 29.04.2022 and quash the same as illegal and consequently direct the third respondent to execute the sale deed in favor of the petitioner in respect of the house in Old No.8, New No.8, Industrial Colony, K.Pudur, Madurai North, Madurai in accordance with law and within the time frame as may fixed by this Court.

For Petitioner : Mr.K.Sathish Kumar

For R-1 to R-3 : Mr.T.Sakthikumaran

For R-4 : Mr.S.Kameswaran,
Government Advocate.



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ORDER

This Petition has been filed to quash the order passed by the third respondent dated 29.04.2022 and for a consequential direction to direct the third respondent to execute the sale deed in favor of the petitioner in respect of the house in Old No.8, New No.8, Industrial Colony, K.Pudur, Madurai North, Madurai.

2. The learned counsel for the petitioner submitted that the petitioner is the wife of late Sugumaran, residing at Old No.8, New No.8, Industrial Colony, K.Pudur, Madurai North, Madurai - 625 007. The petitioner's late husband was a Supervisor in Pioneer Engineering Industry from 01.07.1979 to 31.08.1994. During that period, the Tenement House was allotted to her husband in Tenement No.8. The Pioneer Engineering Industry paid the monthly dues to the third respondent/SIDCO. Similar to that of petitioner's husband, one Chandiran and Samohar Charles were also allotted with Tenement houses in Tenement Nos.7 and 9. For them also, the Pioneer Engineering Industry paid their dues to the third respondent/SIDCO. The



petitioner got married on 07.09.1994 and from 08.09.1994, the petitioner is residing in the said allotted house along with her late husband. The petitioner's husband passed away on 24.06.2014 and thereafter, she is continues to reside in the said address. Even thereafter, the monthly dues for the said allotted house were paid properly to the third respondent till 15.09.2021. Thereafter, the petitioner approached the third respondent to execute the sale deed, but no action was taken. Suddenly, on 29.04.2022, a letter was sent by the SIDCO to terminate the petitioner occupancy, terming her as 'unauthorized occupant' and issued a show cause notice to give explanation/affidavit. That apart, the petitioner, on 05.05.2022, issued a notice to the third respondent stating that she is ready and willing to pay the monthly dues, if any. Therefore, the monthly dues were paid by the petitioner to the third respondent, even after the death of her husband. Electricity Bill for the above house is paid by the petitioner. Family card and Aadhar Card also stands in the above address. For the other two co-employees, who were allotted tenements along with her husband, sale deed executed by the SIDCO in favour of them. The petitioner is also on the same footing. Without considering all the above facts, the third respondent passed the impugned order. The petitioner, being a legal heir of Sugumaran, is entitled for the same



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benefit and no way, she can be discriminated. Hence, she has filed this petition.

3. The learned counsel for the respondents 1 to 3 filed a counter and submitted that the allottees to Tenement Nos. 7 and 9, Chandiran and Samohar Charles have taken steps for getting sale deed document in their favour at the relevant point of time i.e., during their service with the fifth respondent company which was duly approved by MSME at the relevant point of time. Thereafter, the sale deed was executed. As far as the petitioner case is concerned, no proposal received from the fifth respondent Company till date. Further he referred to the letter of the fifth respondent, dated 21.09.2021, stating that till the retirement of Sugumaran, he was occupying the Tenement No.8 which was allotted to him. Thereafter, the Company has got nothing to do with Sugumaran. In such circumstances, without a proposal of the fifth respondent, the petitioner's request cannot be considered. He further relied upon the Government Order in G.O.(Ms).No.128 dated 24.03.1997, wherein, Housing Board has issued 16 guidelines for allotting the labourers tenement quarters to the labour themselves, for which, the first condition is that the entire due amount has to be paid in one installment and



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thereafter only, outright has to be considered. Likewise, condition No.7 is that the property is occupied by the un-authorised person or sublet or any body staying without bonafidely, the same cannot be considered. He further submitted that the following G.O.(Ms).No.128, Micro Small and Medium Enterprises Department in G.O.Ms.No.50 dated 25.11.2015 had passed orders to regularize certain of the tenements who had approached by fulfilling the condition. In this case, the petitioner had not made any such application.

4. The learned counsel appearing for the fourth respondent Tahsildar, on a specific query by this Court with regard to the legal heir certificate and to verify the status of the petitioner, submitted a report of the Tahsildar confirming the legal heirship certificate earlier issued dated 10.01.2017, in his report in Na.Ka.No.5397/2022/E-1 dated 28.07.2022. It is seen that the petitioner as well as her husband late Sugumaran resided in the tenement no.8 of industrial colony, K.Pudur, Madurai and petitioner's husband Sugumaran passed away on 24.06.2014. As on date, the petitioner is the only legal heir of the late Sugumaran.



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5. Considering the submissions and perusal of the materials, it is not in dispute that Sugumaran was earlier employed in Pioneer Engineering Industry, which was allotted three labourer tenements by the SIDCO Plot Nos. 7, 8 and 9. Plot Nos.7 and 9 allotted to Chandiran and Samohar Charles and Tenement No.8 allotted to Sugumaran. Sugumaran resigned from Pioneer Engineering industry on 31.08.1994. Thereafter, he continued to live in the tenement along with his wife, the petitioner herein. The tenancy rents regularly collected from Sugumaran and after demise of Sugumaran, it was collected from the petitioner by the third respondent without any objections. Now, the petitioner seeks regularization and execution of sale deed. The petitioner is ready to make the payment and she is willing to pay reasonable Value, by following the Government guideline value. It is reported that the fifth respondent Company no more exists. Thus, getting proposal or no objection from the fifth respondent not possible, not required. The petitioner was residing with her husband. The allotment of tenement was not in dispute and the tenement charges regularly paid, which is also not in dispute. The only objection of the respondents 1 to 4 SIDCO is that the petitioner at the relevant point of time, failed to avail the scheme. Fairly submitted had



Sugumaran been alive, he will be entitled to avail the scheme and on the death of Sugumaran, the petitioner is not entitled to avail the scheme. This contention cannot be accepted. The petitioner being the wife of Sugumaran is not in dispute. The Sugumaran passed away on 24.06.2014 and thereafter, she continued to reside there. Whatever rights accrued to Sugumaran, naturally passes on to the petitioner and the petitioner is entitled for all benefits. The only requirement is that the interest of SIDCO to be safe-guarded. It is also not in dispute that the SIDCO during the earlier days when industrial estates were developed, it was along with labour quarters and small tenements were put up. Now, it is not adopted, only industrial estates are developed. In the event of tenement no.8, revert back to SIDCO, again they have to necessarily sell it out to the third persons. In view of the same, to safe guard the interest of SIDCO, by collecting the guideline value or market value as per Boards decision can be collected from the petitioner and sale deed executed, thereby, the interest of the petitioner and the respondents 1 to 3 are protected.

6. In view of the above, notice dated R.C.No.725/A2/2019 dated 15.10.2019 followed by the order in Na.Ka.No.622/A3/2021 dated 29.04.2022 passed by the third respondent are hereby quashed. This Court



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directs the respondents 1 to 3 to consider the petitioner's request for execution of sale deed. The petitioner cannot be termed as unauthorized occupant or encroacher in any manner. Thus, the sale deed to be executed within a period of three (3) months. In the event of petitioner not coming forward to pay the sale consideration within a stipulated time and causing further delay, appropriate steps to be taken for further course of action, against the petitioner by terming her as an encroacher.

7. In view of the above, the Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Internet : Yes/ No
Nsr

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To

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O/o. The Secretary,
Tamil Nadu Small Industries
Development Corporation (SIDCO),
Secretariat,
Chennai – 09.
2. The General Manager (Admin),
Tamil Nadu Small Industries
Development Corporation (SIDCO),
Thiru-Vi-Ka Industrial Estate,
Near SIDCO Electronic Complex,
Guindy,
Chennai – 32.
3. The Estate Officer/Branch Manager,
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M.NIRMAL KUMAR, J.

Nsr

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