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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.12678 of 2023

S.Ponrowthri

Petitioner

VS.

1.The General Manager,
TANSIDO, SIDCO Corporate Office,
Thiru Vika Industrial Estate, Guindy,
Chennai – 600 032.

2.The Manager,
TANSIDCO, Industrial Estate,
Five Roads, Salem – 636 004.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to issue sale deed in favour of the petitioner in respect of the Industrial Plot No.74, SIDCO WIP, Karuppur , Salem upon receipt of entire dues, payable to the respondents within a time frame to be fixed by this Court.

For Petitioner : Mr.K.A.Mariappan

For Respondents : M/s.Sithara Sarangan
Standing Counsel for SIDCO



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ORDER

This writ petition has been filed for issue of writ of mandamus directing the TANSIDCO to issue Sale Deed in favour of the petitioner with respect to the industrial plot in Plot No.74, Karuppur, Salem.

2.Heard Mr.K.A.Mariappan, learned counsel appearing on behalf of the petitioner and Ms.Sithara Sarangan, learned Standing Counsel appearing on behalf of the respondents.

3.The 2nd respondent has filed a counter affidavit. The 2nd respondent has taken a stand that the original allotment was made in the name of the petitioner's mother-in-law Kuppulakshmi in the year 2006 under the Women Entrepreneurs Scheme for setting up an industrial shed for production of fabricated metal products. On the demise of the original allottee, considering the representation made by the legal heirs of Kuppulakshmi, the allotment was transferred in favour of the petitioner through Transfer Order dated 24.12.2020. It is further stated in the counter affidavit that the third party named Mageshwari started claiming right over the plot and the officials belonging to TANSIDCO made an inspection and found that the said Mageshwari was in occupation of the plot and was doing a business under the name of M/s.PVN



Deed dated 07.10.2015, which is said to have been executed by the original allottee Kuppulakshmi. Hence, it is contended that the petitioner is seeking for execution of Sale Deed when the property is not in the possession of the petitioner. That apart, at Paragraph No.6 of the counter affidavit, the 2nd respondent has listed various documents that are required to be produced by the petitioner for enabling the respondents to execute the Sale Deed in favour of the petitioner.

4.In the considered view of this Court, the original allotment order was made in the name of one Kuppulakshmi and on her demise, the transfer order has been made in favour of the petitioner in the year 2020. There is some dispute between the petitioner and one Mageshwari. The said Mageshwari claims that an unregistered document was executed in her favour and by virtue of the same, she had taken possession of the plot and is running the business. The said Mageshwari has also filed a suit in O.S.No.31 of 2021 before the District Court, Salem seeking for the relief of specific performance based on the unregistered document and other consequential reliefs. In view of the same, the respondents found that the right of the petitioner has been put to challenge before the Civil Court. For this reason, the respondents was not willing to execute the Sale Deed in favour of the petitioner.

5.In the considered view of this Court, the petitioner in order to get the Sale Deed executed in her name must be in possession of the plot that was allotted to her



favour. Till the said Mageshwari is in possession of the plot, there is no way TANSIDCO will execute the Sale Deed in favour of the petitioner. Insofar as TANSIDCO is concerned, the said Mageshwari is an encroacher and they are not bound by any document executed in favour of the said Mageshwari. The TANSIDCO cannot be prevented from taking action against the said Mageshwari for taking possession of the plot. Therefore, till the plot comes into the possession of the petitioner, there is no occasion for TANSIDCO to execute the Sale Deed in favour of the petitioner. That apart, the petitioner must also submit all the documents that have been mentioned in Paragraph No.6 in the counter affidavit. Once all these conditions are complied with, TANSIDCO shall proceed further to execute the Sale Deed in favour of the petitioner.

6.This writ petition is disposed of in the above terms. No Costs.

16.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The General Manager,
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Thiru Vika Industrial Estate, Guindy,
Chennai – 600 032.



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N. ANAND VENKATESH, J.

SSR

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