



WEB COPY



W.P.No.21543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21543 of 2023

P.V.M.Palanisamy

...Petitioner

Vs.

1.The Chairman

The Tamil Nadu Industrial Investment Corporation Limited
No.692, Anna Salai
Nandanam
Chennai 600 035.

2.The General Manager

District Industrial Centre
Salem
Salem District.

3.The Regional Deputy Director and

Project Officer
Rural Industries Project
Salem 4
Salem District.

4.The Commissioner

Panchayat Union
Tharamangalam
Omalur Taluk
Salem District 636 502.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating the memo in Roc.No.1005/2022/A6 dated 21.06.2022 on the file of the fourth respondent quash the same and direct the fourth respondent to execute the sale deed in respect of the work shop No.III situated in S.No.75/12B in the Rural Industrial Estate at Tharamangalam Village, Omalur Taluk, Salem District which was allotted to the petitioner's father Late.P.V.Murugesu Mudaliar in favour of the petitioner.

For Petitioner : Ms.K.Jeenath Begum
for Mr.S.Doraisamy

For Respondents : Mr.K.Magesh for R1
Standing Counsel

: Mr.P.Anandha Kumar for R2 & R3
Government Advocate

: Mr.D.Ferdinand
for Mr.K.Suresh for R4
Government Advocate

ORDER

The petitioner herein filed this Writ Petition challenging the order passed by the fourth respondent rejecting the request of the petitioner seeking execution of sale deed in respect of the workshop shed in the Industrial Estate, Tharamangalam Village, Omalur Taluk, Salem District.



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2. According to the petitioner, the third respondent issued a notice for conducting public auction for allotment of workshop shed in the above said Industrial Estate. The petitioner's father participated in the auction and he was the successful bidder and the workshop was allotted to him on the Lease cum Sale basis. The entire cost of the property was fixed as Rs.36,064/-.

3. It is the case of the petitioner that after the death of his father, the petitioner being in possession of the workshop shed paid the entire cost of the shed as per the Lease cum Sale Deed. Therefore, the petitioner submitted a representation to the fourth respondent seeking execution of sale deed as the petitioner paid the entire cost of the property. Since the fourth respondent failed to execute the sale deed, the petitioner filed a Writ Petition in W.P.No.8145 of 2022 and sought for a direction to the fourth respondent to execute the sale deed. The said Writ Petition was disposed of by this Court by directing the petitioner to give a fresh representation enclosing all the documents to prove that he paid the entire amount. The fourth respondent was also directed to consider the claim of the petitioner on merits.



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4. In pursuance of the directions issued by this Court the petitioner submitted a fresh representation dated 27.04.2022 to the respondents. Thereafter, the impugned order has been passed by the fourth respondent rejecting the request made by the petitioner.

5. When the matter came up for hearing, after perusing the impugned order, this Court directed the learned Government Advocate, who takes notice for the fourth respondent, to get instructions regarding the nature of the order passed by the fourth respondent.

6. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the fourth respondent, on instructions, submitted that the impugned order will be withdrawn and the representation submitted by the petitioner on 27.04.2022 will be considered on merits afresh. The said statement is recorded.

7. Accordingly, the Writ Petition is disposed of by directing the fourth respondent to consider the representation of the petitioner dated



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27.04.2022 afresh after passing necessary orders for withdrawal of the impugned order. The final orders on the representation of the petitioner shall be passed within a period of six weeks from the date of receipt of copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

26.07.2023

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

To

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