



W.P. No. 27300 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 27300 of 2021

and

W.M.P. No. 28812 of 2021

M.Nallusamy

... Petitioner

-VS-

1. The Chairman and Managing Director,
M/s. Tamil Nadu Small Industries
Development Corporation Limited,
Thiru-vi-ka Industrial Estate,
Near SIDCO Electronics Complex,
Guindy, Chennai – 600032.
2. Branch Manager,
SIDCO – Trichy,
Industrial Estate,
Ariyamangalam,
Trichy – 620010.
3. Estate Officer,
SIDCO,
Elambalu Estate (Division),
Ariyamangalam,
Trichy – 620010.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the communication by the Second and Third Respondents authorities to the Petitioner dated 26.11.2021 bearing R.C.No.1/C/07 and quash the same



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holding it unreasonable and arbitrary and consequent direction to the Respondents to settle the issue and execute the sale deed.

For Petitioner : Mr. P.T.Perumal

For Respondents : Mr. A.Nagarajan

ORDER

Heard Mr. P.T.Perumal, Learned Counsel for the Petitioner and Mr. A.Nagarajan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was allotted Plot No. 80 measuring an extent of 0.521 acre situated in Industrial Estate, Elambalur by Proceedings No. 9272/F1/07 dated 22.05.2009 by the Respondent, which was handed over on 16.05.2011 to him and a lease *cum* sale agreement dated 05.05.2011 was executed between the parties. However, the Respondent by Proceedings No. 01/C/07 dated 26.11.2021 informed the Petitioner that since the Petitioner failed to utilize the industrial plot within the time limit, it had been cancelled by its Head Office by Proceedings No. 9272/IE-2B/07 dated 15.12.2010 and as the Petitioner did not hand over possession of the industrial plot within 30 days from the date of issue of that cancellation order and did not respond to Notices No. 01/C/07 dated



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12.08.2021 and 11.10.2021 under Form A and B respectively of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, the Petitioner was required to hand over vacant possession of that industrial plot at 11.30 a.m. on 17.12.2021, failing which it was informed that forcible possession would be taken. The said order is challenged in this Writ Petition.

3. As rightly pointed out by Learned Counsel for the Petitioner, when the Respondent had executed Lease *cum* Sale Agreement with the Petitioner on 05.05.2011 providing that 20 equated quarterly installments would have to be paid from 01.06.2010 to 01.03.2015, the earlier cancellation of the allotment said to have been made by Proceedings No. 9272/IE-2B/07 dated 15.12.2010 had been superseded and could not be relied to evict the Petitioner from that property. The said well-founded contention made on behalf of the Petitioner deserves acceptance.

4. In such circumstances, the impugned Proceedings No. 01/C/07 dated 26.11.2021 passed by the Respondent is set aside with a clarification it would not preclude the Respondent from taking any action permissible against the Petitioner if there is any non-compliance of the conditions of allotment of the industrial plot in accordance with law.



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WEB COPY In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 29.05.2024.

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To

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M/s. Tamil Nadu Small Industries Development Corporation Limited,
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P.D. AUDIKESAVALU, J.

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