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W.P.(MD)Nos.379 of 2020 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)Nos.379, 953, 966, 969, 970, 1389, 2001, 2003, 2010, 3030
and 3065 of 2020**

and

**W.M.P.(MD)Nos.290, 291, 760, 763, 765, 767, 769, 770, 773, 775,
1124, 1127, 1668 to 1672, 1678, 2557, 2558, 2606, 2608 of 2020, 4173,
4237, 4243, 4244, 4258 of 2021,**

W.P.(MD)No.379 of 2020:

P.Amirtha Damin

... Petitioner

VS.

1. The General Manager (Admin),
SIDCO Corporate Office Building,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai-32.



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2.The Estate Officer / Branch Manager,
Industrial Estate,
Soolakarai Village,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the Form-C notice in Rc.No.524/C/1999, dated 23.12.2019 on the file of the 2nd respondent and to quash the same as illegal and consequently, to direct the respondents to execute a sale deed in favour of the petitioner and other legal heirs of the deceased husband of the petitioner namely Peter Damin pertaining to the tile of the Labour Tenement No. 16, 1127.70 sq.feet, S.No.204/1,3, Industrial Estate, Soolakarai Village, Virudhunagar Disrict.

In W.P.(MD)No.379 of 2020:

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.Sakthikumaran



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COMMON ORDER

The writ petition in W.P.(MD)No.379 of 2020 is filed for writ of Certiorarified Mandamus, to quash the Form-C notice in Rc.No.524/C/1999, dated 23.12.2019 on the file of the 2nd respondent and consequently, to direct the respondents to execute a sale deed in favour of the petitioner and other legal heirs of the deceased husband of the petitioner namely Peter Damin pertaining to the tile of the Labour Tenement No. 16, 1127.70 square feet, S.No.204/1,3, Industrial Estate, Soolakarai Village, Virudhunagar District.

2. In W.P.(MD)No.379 of 2020, the petitioner's husband has rendered 26 years of service with TANSI and retired on 30.04.1993. The



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petitioner's husband applied for allotment of residential Labour Tenement as early as 01.08.1967 and the respondents had formulated a scheme. While implementing the scheme there were several issues in the allotment.

3. Subsequently, the Government issued G.O.Ms.No.128, Housing and Urban Development Department, dated 24.03.1987, wherein the Government has considered the cases of the deceased family and the persons who are working in the companies which are situated in SIDCO also. The persons who are working in unorganized and organized sector as self-employed are eligible for allotment. But some of them did not get allotment, hence the said persons have approached the Courts.



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4. The said issue was considered by two Learned Single Judges of this Court. In W.P.Nos.31097 of 2019 and batch, a Learned Single Judge of this Court has held as under:

“9.In view of the above discussion, all these writ petitions are disposed of with the following directions:

[a] The petitioners are directed to give their explanation / objection for the notice issued by the second respondent along with all the relevant materials within a period of four weeks from the date of receipt of the copy of this order. It is made clear that the time limit fixed by this Court must be strictly adhered to and no explanation will be entertained beyond the time limit fixed by this Court. It is left open to the petitioners to raise all the grounds.

[b] The second respondent is directed to consider the claim of each of the petitioner based on the explanation / representation accompanied by supporting materials and shall



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decide the claim on its own merits and in accordance with law after taking into consideration the relevant Government Orders wherever it is applicable.

[c] The second respondent shall also keep in mind the stand taken by SIDCO in the earlier writ petitions in the counter affidavit filed in those writ petitions, before taking a final decision.

[d] The second respondent is directed to pass final orders after affording opportunity to the petitioners, within a period of three months from the date of receipt of the representation / explanation from the petitioners. and ;

[e] The interim orders already granted by this Court safeguarding the possession of the petitioners shall continue till final orders are passed by the second respondent.”



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Another Learned Single Judge of this Court in W.P.(MD)No.768 of 2014, vide order, dated 04.07.2023, directed the authorities to consider the case and pass orders. The relevant portion of the order is extracted hereunder:

“6. In this view of the matter, the impugned eviction notice is set aside. The respondents are directed to execute the sale deed conveying the petition mentioned property in favour of the petitioner. Of-course, it is open to the respondents to redetermine the sale amount payable by the petitioner. This is because, as per G.O, a sum of Rs.9,600/- should have been paid in the year 1997 itself. While redetermining, it would not be open to the respondents to adopt an arbitrary approach in the case of the petitioner alone. Whatever treatment that was extended to similarly placed persons shall be extended to the petitioner also. A formal notice shall be issued by the respondents in this regard within a period of five weeks from the date of receipt of a copy of this order. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”



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5. Therefore, this Court is also directing the authorities to consider the petitioner's case in light of G.O.Ms.No.128, Housing and Urban Development Department, dated 24.03.1987 and if the petitioners in the writ petitions are entitled as per the G.O., the said persons shall be allotted with the Labour Tenement. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

6. With the above said directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No
Tmg

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S.SRIMATHY, J

Tmg

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