



W.P(MD)No.13285 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13285 of 2012

S.Umadevi

...Petitioner

Vs.

Tamil Nadu Small Industries Development
Corporation Limited,
Rep by its Chairman and Managing Director,
Near SIDCO Electronics Complex,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai – 600 032.

...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 relating to the impugned order dated 13.09.2012 bearing RC.No.7317/IE-2D/2011 passed by the respondent and quash the same and consequently direct the respondent to reconsider the petitioner's representation dated 22.09.2012.

For Petitioner :Mr.T.Antony Arulraj

For Respondents :Mr.T.Sakthi Kumaran



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ORDER

This writ petition is filed as against the order of the respondent in RC.No.7317/IE-2D/2011, dated 13.09.2012, which has been passed based on the directions of this Court in W.P(MD) No.8197 of 2012, dated 12.07.2012, rejecting the representation of the petitioner, dated, 31.05.2012, to re-open the Shed No.176, which is kept under lock and seal by the respondent.

2.The case of the petitioner is that the petitioner was allotted with Shed Nos.176 and 177 in the Industrial Estate maintained by the respondent Corporation at Kappalur, Madurai, on 28.03.2002, for the purpose of manufacture of welding electrodes and wire products. Due to non-adherence of payment schedule, the respondent issued an order of eviction as per proceedings in 6/A1/2002, dated 02.04.2008. Thereafter, the petitioner obtained an interim order from this Court in a writ petition and submitted a representation for reduction of interest. Considering the request



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made by the petitioner, the respondent offered One Time Settlement Scheme, deducting 50% of the penal interest, which comes to Rs.9,14,758/- and the remaining amount payable by the petitioner was fixed as Rs.25,46,758/-. According to the petitioner, the respondent locked the Shed No.176, even without any intimation to the petitioner. In the meantime, on application in O.A.No.52 of 2010 was filed by Central Bank of India as against the petitioner, before the Debts Recovery Tribunal, Madurai for recovery of money and the machineries have also been seized by the Bank. According to the petitioner, the machineries in the shed No.177 is the subject matter in the proceedings, which are pending before the Debts Recovery Tribunal and not with respect to shed No.176. However, by referring the proceedings of the Debts Recovery Tribunal, the respondent has rejected the request of the petitioner for de-sealing the shed No.176.

3.The learned counsel appearing for the petitioner submits that the respondent has taken coercive steps to collect the



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arrears from the petitioner and it is not the object for which, the SIDCO has been established.

4.The learned Standing Counsel appearing for the respondents submits that the petitioner, who got allotment of shed Nos.176 and 177, in the Industrial Estate maintained by the respondent Corporation at Kappalur, Madurai, for the purpose of manufacturing welding electrodes and wire products has not paid the allotment dues. The petitioner has obtained these sheds on hire purchase basis at the cost of Rs.13.72 Lakhs and she was expected to settle the amount to the SIDCO within a period of one year. However, this petitioner has made only a partial payment of Rs.2.25 lakhs and has failed to pay the remaining amount. Though sufficient opportunity was given to the petitioner, she has not utilized the same and filed repeated writ petitions before this Court and this Court has granted some time for making payment. However, the petitioner has not paid the amount. Therefore, the SIDCO has cancelled the allotment order and sealed the premises. He further submits that the



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machineries in the shed have also been seized by the concerned Bank, which lent money to this petitioner and subsequently, it was sold in the public auction and deposited the amount before the Debts Recovery Tribunal, Madurai.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner for the purpose of manufacturing welding electrodes and wire products, has obtained Shed Nos. 176 and 177, in the Industrial Estate maintained by the respondent Corporation at Kappalur, Madurai, on hire purchase basis in the year 2002. Since the petitioner paid only partial amount, the respondents have issued a show cause notice for cancellation of the allotment order, in the year 2004. Thereafter, the petitioner made a partial payment of Rs.2.25 Lakhs and requested for rescheduling the payment. The said request was also considered by the respondent and reschedule was also made enabling the petitioner to pay the



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balance amount in 36 monthly installments commencing from January 2007 onwards. It appears that the petitioner has not utilized this opportunity also. Thereafter, the petitioner filed W.P(MD)No. 4221 of 2007 and obtained an order of injunction on 27.04.2007. This Court while ordering injunction, directed the petitioner to pay the first installment on or before 02.05.2007. However, the petitioner has not paid the amount as directed by this Court. Therefore, the respondent has initiated the proceedings to recover the shed under Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Act, 1975, against which, the petitioner has filed another writ petition, before this Court in W.P(MD) No.4143 of 2008. The respondent has also offered the petitioner, One Time Settlement Scheme in the year 2010, directing the petitioner to pay 50% of the OTS amount and has also waived the penal interest to the tune of Rs. 9,14,758/-. It is to be noted that even this offer has not been utilized by the petitioner and she filed several other writ petitions one after another.



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7.This writ petition was filed in the year 2012 and was pending for the past 10 years. This petitioner has not taken any steps to pay the remaining amount to the respondent to reopen the shed. The SIDCO has been established for the purpose of developing industries in the remote areas. This petitioner has obtained one such opportunity and failed to pay the amount for such a long time. It is also reported that the machineries in the sheds have been taken by the bank, which lent money to the petitioner and had been sold in the public auction.

8.In view of the above and considering the conduct of this petitioner that after getting allotment of sheds, she is not prompt in payment, even after providing sufficient opportunities to the petitioner, this writ petition is dismissed. No costs.

06.03.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.13285 of 2012

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