



W.A.(MD) No.1294 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1294 of 2023

and

C.M.P.(MD)No.9829 of 2023

K.Chinnadurai

... Appellant /Petitioner

-VS-

1.The Tamil Nadu Small Industries Development
Corporation Limited,
Rep. by its Chairman & Managing Director,
Near SIDCO Electronics Complex,
Thiru.Vee.Ka.Industrial Estate,
Guindy, Chennai.

2.The Branch Manager,
Small Industries Development Corporation Limited,
SIDCO Industrial Estate,
Pettai, Tirunelveli.

... Respondents/Respondents

PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 09.01.2023 made in W.P.(MD)No.2413 of 2021 on the file of this Court.



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For Appellant : Mr.H.Arumugam

For Respondents : Mr.T.Sakthikumaran

J U D G M E N T

[Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.]

This Writ Appeal is directed against the order of the learned Single Judge dated 09.01.2023 in W.P.(MD)No.2413 of 2021. By the said order, the learned Single Judge has dismissed the writ petition filed by the appellant. The appellant had filed the above writ petition challenging the order of the first respondent dated 20.02.2020 thereby fixing the increased land cost and the consequential show cause notices dated 03.06.2020 and 07.12.2020. It is the further prayer of the writ petitioner that the respondents have to refix the plot value as per G.O.Ms.No.9, Micro, Small and Medium Enterprises (C) Department dated 17.02.2009 and as per the cost mentioned in the advertisement dated 18.09.2019.

2. Heard *Mr.H.Arumugam*, learned counsel appearing on behalf of the appellant. The learned counsel taking this Court through the Government



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order in G.O.Ms.No.9, dated 17.02.2009 and the advertisement would submit that when as per the advertisement, the land cost was fixed only at Rs.10,44,500/-, there is no justification for the respondents to re-fix the same at Rs.23,60,900/-. Therefore, he would submit that the entire exercise is arbitrary and the learned Single Judge ought to have interfered with the order of the respondents.

3. We have considered the submissions made by the learned counsel for the appellant and perused the material records of the case.

4. It can be seen that as far as the re-fixation of land cost is concerned, the original G.O.Ms.No.9, dated 17.02.2009 has been further amended by G.O.Ms.No.31, dated 19.06.2013 and thereafter, vide G.O.Ms.No.34, dated 18.10.2016. If the amended criteria are taken into account, the re-fixation has to be done as per the Clause (iii) to (v) mentioned in the Government Order. It is the categorical contention of the respondents that the cost is re-fixed only in terms of the said Government Order. When the re-fixation has been done as per the standing guidelines, there is no justification on the part of the appellant. When the appellant has got no right whatsoever to compel the respondents to allot the plot only for Rs.10,44,900/- and when after due



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scrutiny and procedure the re-fixation has been done, no exception whatsoever can be taken in respect of the findings of the learned Single Judge and consequently dismissing the writ petition.

5. Finding no merits, the Writ Appeal stands dismissed. No costs.

[S.S.S.R., J.] [D.B.C., J.]

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NCC : Yes / No
Index : Yes / No
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