



WP(MD)No.10574 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.10574 of 2014
and
MP(MD)No.1 of 2014

Capt.Dr.VRC.Pandiyan

: Petitioner

Vs.

- 1.The Chairman and Managing Director,
Tamil Nadu Small Industries Development
Corporation Ltd.,
Near SIDCO Electronic Complex,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai – 600 032.
- 2.The Branch Manager (Estate Officer),
Tamil Nadu Small Industrial Development
Corporation Ltd.,
SIDCO Branch Office,
Thondi Road,
Sivagangai District.
- 3.The Branch Manager,
National Small Industries Corporation Ltd.,
No.14, 1st Street, Harvey Nagar,
Arasaradi,
Madurai – 16.



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4.The Superintendent of Police,
Central Bureau of Investigation,
Madurai.

: Respondents

[R.4 *suo-motu* impleaded vide order dated 31.10.2023]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent dated 30.05.2014 in Rc.No.10165/IE5/03, quash the same and consequently, directing the respondents to execute the sale deed in favour of the petitioner in respect of Shed No.4 in the Industrial Estate at Keela Nagachi Village, Uchippulli Pot, Ramanathapram District, after receiving the actual amount of Rs.1.25 Lakh.

For Petitioner : Mr.V.Pandiyan

For Respondents : Mr.P.Subburaj,
Special Government Pleader for R.1

Mr.T.Sakthi Kumaran,
Standing Counsel for R.2

No appearance for R.3

Mr.K.Govindaraj,
Deputy Solicitor General of India
for R.4



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ORDER

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The second respondent has established an Industrial Estate at Keela Nagachi, Uchippulli, Ramanathapuram District and the petitioner was allotted with a Shed to an extent of 2000 sq.ft for his firm, M/s.Bhanu Plastic Industries in the year 2000. The cost of the land and the building was fixed at Rs.3,25,000/- and this petitioner was directed to pay 10% margin amount on or before 11.11.2000. The balance amount of R.2,92,500/- was directed to be paid on eight equal monthly installments, together with interest @ 17%. As per the order of allotment, in case of any default, penal interest shall also be imposed.

2.The petitioner has paid the margin amount and the shed was also handed over to him. However, the petitioner has failed to pay the installments and therefore, the first respondent, by order dated 19.11.2003, cancelled the allotment order. In the year 2004, the petitioner has paid a sum of Rs.1,40,920/- and made a further request to execute the sale deed by receiving the balance amount of Rs.1,25,000/-. The petitioner has also filed a writ



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petition before this Court in WP(MD)No.3582 of 2010 and this Court, disposed of the said writ petition, with a direction to the respondents to consider the case of the petitioner sympathetically.

3. Consequently, the first respondent has passed the impugned order dated 30.05.2014, directing the petitioner to pay a sum of Rs.11,25,372/- towards the balance Shed cost, as a one time settlement. As against this order dated 30.05.2014, the petitioner has filed this writ petition in the year 2014 and the same is pending for the past nine years.

4. The petitioner has appeared in person and submitted that he is having the potential to run the unit and he is a Guinness record holder, having several Degrees to his credit. He further submitted that the respondents have taken a coercive action as against him and if sufficient time and opportunity is provided to him, he will pay the amount and run the unit successfully. According to him, he suffered an accident and therefore, he could not pay the dues in time.



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5.Mr.T.Sakthi Kumaran, learned Standing Counsel for the second respondent submitted that the Industrial Estate at Keela Nagachi was established in the year 1993 on the National Highways from Ramanathapuram. The Industrial Estate is to an extent of 10 Acres consisting of 14 Plots and 10 Sheds and the petitioner was allotted with Shed No.4. The cost of the Shed is Rs.3,25,000/- and on payment of 10% margin amount, the Shed was handed over to the petitioner in the year 2000. The balance amount has to be paid in eight equal monthly installments commencing from 30.04.2001. The petitioner has not paid any installments and therefore, the first respondent by order dated 19.11.2003 has cancelled the allotment order issued in favour of the petitioner. The notice sent to the petitioner was also returned with an endorsement 'addressee gone to unknown without instructions'.

6.He further submitted that the Shed was not brought for operation and this petitioner has also failed to pay the installments. In the year 2004, this petitioner has paid a sum of Rs.1,40,920/- and that amount was adjusted towards the interest and the penal interest on the installments due from the



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petitioner. The petitioner has filed a writ petition before this Court in WP(MD)No.3582 of 2010, wherein, a direction was issued to the respondents to consider the case of the petitioner sympathetically and therefore, the petitioner was directed to pay the balance amount of Rs.11,25,372/- as an one time settlement. The petitioner, without paying the amount, has filed this writ petition and keeping the issue pending for a long time. He further submitted that the respondents Corporation have resumed the Shed on 24.04.2023 under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 and the Shed is in the custody of SIDCO.

7.During the course of hearing, the learned Standing Counsel pointed out that the petitioner has intimidated the respondents by sending representations to the Chief Secretary and to various other officials and therefore, the respondents were not in a position to take possession of the property immediately and utilized the same for the purpose of running any industrial unit. He has also relied upon the E-mails sent by this petitioner to the authorities concerned and pointed out that this petitioner has even projected himself as a Judge of a High Court.



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8.This Court considered the rival submissions made on either side and perused the available materials.

9.Perusal of records produced by both sides disclose that this petitioner is a Law Graduate, enrolled as an Advocate in the Bar Council of Tamil Nadu, practising in various High Courts and has obtained a Shed in the Industrial Estate as an Entrepreneur. He was allotted with the Shed in the year 2000 with certain conditions. The condition nos.5, 6, 7, 8, 13 & 16 are relevant for deciding the issue in this writ petition and the same is extracted as under:-

“5.The cost of the Land and Building is fixed as Rs.3.25 Lakh (Rupees Three Lakh and Twenty Five Thousand only) subject to the approval of our Board inclusive of Service charges for the shed offered to you.

6.10% Margin Money of Rs.32,500/- (Rupees Thirty Two Thousand and Five Hundred only) should be paid on or before 11.11.2000. The balance 90% cost of Rs.2,92,500/- will be repaid with interest at 17% in 8 half yearly installments commencing from 30.04.2001 as follows:-



<i>Installment No.</i>	<i>Installment due date</i>	<i>Principle</i>	<i>Moratorium int.</i>	<i>Int.</i>	<i>Total</i>
<i>I</i>	<i>30.04.2001</i>	-	<i>24,870/-</i>	-	<i>24,870/-</i>
<i>1</i>	<i>31.10.2001</i>	<i>27,000/-</i>	-	<i>24,870/-</i>	<i>51,870/-</i>
<i>2</i>	<i>30.04.2002</i>	<i>29,300/-</i>	-	<i>22,570/-</i>	<i>51,870/-</i>
<i>3</i>	<i>31.10.2002</i>	<i>31,800/-</i>	-	<i>20,070/-</i>	<i>51,870/-</i>
<i>4</i>	<i>30.04.2003</i>	<i>34,490/-</i>	-	<i>17,380/-</i>	<i>51,870/-</i>
<i>5</i>	<i>31.10.2003</i>	<i>37,420/-</i>	-	<i>14,450/-</i>	<i>51,870/-</i>
<i>6</i>	<i>30.04.2004</i>	<i>40,600/-</i>	-	<i>11,270/-</i>	<i>51,870/-</i>
<i>7</i>	<i>31.10.2004</i>	<i>44,050/-</i>	-	<i>7,820/-</i>	<i>51,870/-</i>
<i>8</i>	<i>30.04.2005</i>	<i>47,840/-</i>	-	<i>4,030/-</i>	<i>51,870/-</i>
<i>Total</i>		<i>2,92,500/-</i>	<i>24,870/-</i>	<i>1,22,460/-</i>	<i>4,39,830/-</i>

7.In case the Margin Money is not paid on or before 11.11.2000, this allotment order will stand automatically lapsed without any further notice.

8.The rate of interest applicable to the Hire Purchase Assistance will be 17% per annum (or) such other rate as may be fixed by SIDCO from time to time. Moreover, the penal interest at 19 will be charged for the defaulted amount for the defaulted period in addition to the normal rate of interest.

...

13.If the work shed is not put into use for industrial purpose within one year (12 months) from the date of taking over, SIDCO reserves its right to vacate you and collect the interest at 17% per



annum or at the rate applicable from time to time on the land and building cost for the period of occupation.

...

16.If the unit is found closed or not working continuously for six months, action will be taken to take back the unit and re-allot the same to whomsoever SIDCO decides.”

10.Admittedly, the petitioner has paid the 10% margin amount, however, failed to pay the balance installment amounts. Therefore, the first respondent has cancelled the allotment order on 19.11.2003. Thereafter, on 19.04.2004, the petitioner has paid a sum of Rs.1,40,920/-. This amount has been adjusted by the respondents as Rs.90,431/- towards the interest on the installment dues and Rs.50,484/- towards the penal interest on the installment dues. As per the allotment order, the respondents are entitled to collect interest @ 17% and also penal interest.

11.The Shed which was allotted to the petitioner in the year 2000 was not put into use and the very object of the establishment of Industrial Estate has been defeated. This impugned order has been passed based on the orders



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of this Court in WP(MD)No.3582 of 2010. The respondents have made a claim of Rs.11,25,372/- as the balance Shed cost as in the year 2010. The petitioner has failed to utilise that opportunity also, filed this writ petition and did not take any steps to pay the balance amount, as claimed by the respondents.

12. Notice as to the admission was issued on 02.07.2014 and the writ petition has not been admitted so far. The writ petition was not listed from 2014 and it was again listed only on 05.10.2023. There was no interim order in this writ petition and therefore, the respondents have also taken possession of the Shed on 24.04.2023 under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975. Therefore, this Court is not inclined to grant any relief in this writ petition and accordingly, this writ petition is dismissed.

13. During the course of hearing, the respondents have claimed that the petitioner has intimidated them and therefore, they have failed to take action against him. In the E-mails sent by the petitioner, it has been mentioned as if



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the petitioner is a Judge of Punjab and Haryana High Court. When this Court has verified with the petitioner, who appeared along with the Counsel, about his conduct of projecting himself as a Judge of a High Court, the petitioner stood by his stand and claims that it is True and that the Government of India has appointed him as an Additional Judge of the High Court of Punjab and Haryana. He has also shown a copy of a Notification dated 19.09.2021, through his Mobile Phone.

14. On the directions of this Court, the Registry has taken a print-out of the notification dated 19.09.2021 referred by the petitioner and prepared a Certificate as required u/s.65B of the Evidence Act, 1872.

15. As per this notification dated 19.09.2021, the Government of India, Ministry of Law and Justice, Department of Justice, has issued a notification that Capt. Dr. VRC. Pandiyan, IDS, was appointed as Judicial Member Collegium with effect from 22.09.2021 to the Punjab and Haryana High Court, consequent upon the superannuation of Shri Justice Karamjit Singh, Judge of Punjab and Haryana High Court.



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16. On a plain reading, this notification dated 19.09.2021 creates suspicion over its genuineness. Moreover, the petitioner himself has filed an additional typed set of papers, wherein, an Experience Certificate dated 25.10.2023 issued by the Madras High Court Advocates' Association is enclosed, as per which, the petitioner [Enrolment No. - Ms.466/2014] is practising as an Advocate in the Supreme Court of India, High Court at Chandigarh and High Court, City Civil Court, Magistrate Courts and Small Causes Court at Madras. The certificate further reads that he has 10 years of active practice in civil matters.

17. Having enclosed this Certificate dated 25.10.2023 in the typed set of papers, the petitioner himself has produced the notification dated 19.09.2021 and claims that he is as a Judge of the Punjab and Haryana High Court. On the one hand, he claims that he is a practising Advocate and the other, he also claims that he is a sitting High Court Judge.



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18.This notification dated 19.09.2021 cited by the petitioner needs to be investigated and therefore, this Court *suo-motu* impleads the Superintendent of Police, Central Bureau of Investigation, Madurai, as a party to this writ petition and Mr.K.Govindaraj, learned Deputy Solicitor General of India is to take notice on behalf of the newly impleaded respondent.

19.The newly impleaded respondent shall register a case and conduct the investigation, after collecting the Mobile Phone of this petitioner and the Certificate u/s.65B from the Registry. The investigation officer shall ascertain the genuineness of the notification and proceed further in accordance with law, by taking appropriate action as against those who are responsible for fabrication of the alleged notification dated 19.09.2021. The investigation officer shall also verify as to whether the petitioner has availed any benefits out of this alleged notification dated 19.09.2021, in any quarter, at any point of time.

20.The Registrar (Judicial), Madurai Bench of Madras High Court, Madurai, shall hand over the Mobile Phone of this petitioner and the



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Certificate u/s.65B of the Evidence Act, dated 30.10.2023, to the investigation officer, after getting due acknowledgments.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

31.10.2023

Note:

1. Registry is to carry out necessary amendments.
2. Issue order copy by today (31.10.2023).
3. Mark a copy of this order to
 - a. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.
 - b. The Superintendent of Police,
Central Bureau of Investigation,
Madurai.



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B.PUGALENDHI, J.

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