



W.P(MD)No.10041 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10041 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

M/s.Kasiyananatha Cooking Ranges Pvt. Ltd.,
Rep.By its Managing Director,
A.Anantha Sekar.

... Petitioner

Vs.

- 1.Tamilnadu Small Industries Development Corporation Ltd.,
Rep. by its Chairman and Managing Director,
SIDCO Coporoate Office,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
- 2.The General Manager,
Tamilnadu Small Industries Development Corporation Ltd.,
SIDCO Coporoate Office,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
- 3.The Branch Manager,
Tamilnadu Small Industries Development Corporation Ltd.,
Industrial Estate, Pettai, Tirunelveli 10.



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4.The Member Secretary,,
Local Planning Authority,
Tirunelveli District.

... Respondents

*(R4 is suo motu impleaded vide order dated
14.09.2023 in W.P.(MD)No.10041 of 2015 by
GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in R.C.No.9505/IE-5/2011 dated 02.06.2015 cancelling the allotment of Plot No.15 at Pettai, Tirunelveli Industrial Estate made infavour of our company namely M/s.Kasiyanantha Cooking Ranges Private Limited and quash the same and consequently direct the 1st respondent to execute a sale deed in favour of the petitioner company namely M/s.Kasinantha Cooking Ranges Private Ltd.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.T.Sakthikumar for R1 to R3.
Mr.D.Gandhiraj,
Spl. Government Pleader for R4.

ORDER

Heard both sides.



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2.The petitioner was allotted Plot No.15 by TANSIDCO. The allotment was cancelled vide communication dated 02.06.2015. The reason for cancellation was that the petitioner had not put up construction in the allotted plot.

3.As rightly pointed out by the learned counsel for the petitioner, the petitioner was not in a position to put up any construction because the lay out itself had not been approved. Therefore, I impleaded the Local Planning Authority as the fourth respondent. It is not in dispute that inspite of the efforts taken by TANSIDCO, the lay out could not be approved till date. It is only sometime back TANSIDCO obtained no objection certificate from Tirunelveli corporation. TANSIDCO is directed to submit an appropriate application for approval of the lay out to the fourth respondent. This shall be done by TANSIDCO within a period of two weeks from the date of receipt of a copy of this order. Since TANSIDCO is a Tamil Nadu Government undertaking, there should not be any difficulty for the fourth respondent to grant approval subject to fulfilment of the usual norms. Such approval will be issued by the fourth respondent within eight weeks after submission of application.



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Once lay out approval is given, there should not be any difficulty to comply with the allotment conditions by putting up construction. The petitioner is given six months time from the date of grant of lay out approval by the Planning Authority. If the petitioner completes the construction by then, the impugned order will stand quashed. If the petitioner fails to comply with the condition even then, the impugned order will stand.

4.This writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petitions are closed.

22.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Member Secretary,,
Local Planning Authority,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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