



W.P.(MD) No.23705 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23705 of 2022

K.Vellaichamy

.. Petitioner

Vs.

- 1.The Chairperson and Managing Director,
Tamilnadu Small Industries Development
Corporation Limited,
SIDCO Corporate Office Buildings,
Thiruvika Industrial Estate, Guindy, Chennai-600 032.
- 2.The General Manager,
Tamilnadu Small Industries Development
Corporation Limited,
SIDCO Corporate Office Buildings,
Thiruvika Industrial Estate, Guindy, Chennai-600 032.
- 3.The Branch Manager,
Tamilnadu Small Industries Development
Corporation Limited,
Thondi Road, Sivagangai-630 561.
- 4.K.Sasikala,
Branch Manager,
Tamilnadu Small Industries Development
Corporation Limited,
Thondi Roas, Sivagangai-630 561.



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5. The Branch Manager,
The Tamilnadu Industrial Instrument
Corporation Limited,
No.1A (4A, Dr.Ambedkar Road),
1st Floor (MADITSSIA),
Near Madurai Corporation Office,
Madurai.

.. Respondents

*[R5 – impleaded vide order dated 20.12.2022 made in W.M.P.
(MD) No.22684 of 2022 in W.P.(MD) No.23705 of 2022]*

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to hand over the possession and to execute the sale deed by permitting the petitioner to pay back the cost in accordance to the order of the allotment in RC.No.753/IE1/2021/Sakkarakottai dated 25.02.2021 to the petitioner considering the representation of the petitioner dated 27.06.2022.

For Petitioner : Mr.Selva Adithya
for Mr.G.Prabhu Rajadurai

For RR1 to 3 : Mr.T.Sakthikumaran
Standing Counsel

ORDER

This petition is a sequel to the earlier order passed by this Court in W.P.(MD) No.13120 of 2022 in and by which this Court had quashed the order of the second respondent in proceeding in R.C.No.9653/1E11/2021 dated 24.05.2022 in and by which order, the second respondent had



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cancelled the allotment order issued to the petitioner allotting Plot No.2 at Industrial Estate, Sakkarakottai. The cancellation was on the ground that in respect of a similar allotment to the petitioner at the Industrial Estate, Sivagangai, there was a violation of the terms and conditions of the allotment order and therefore, the second respondent apprehending that a similar malpractice had been done in the Industrial Estate, Sakkarakottai had cancelled the allotment.

2. It appears that while the writ petition was pending disposal, the third respondent under cover of letter dated 22.06.2022 had refunded the plot cost of Rs.50,29,400/- to the petitioner by depositing a sum of Rs.46,72,800/- to the Tamilnadu Industrial Instrument Corporation Limited, Madurai as plot cost and a sum of Rs.3,58,600/- was paid to the petitioner as plot cost penal interest. It is, after the issue of this letter dated 22.06.2022, that this Court by order dated 04.07.2022 had allowed W.P.(MD) No.13120 of 2022 and set aside the impugned cancellation order. Therefore, the petitioner has come forward with the writ petition to have the possession handed over back to him and to execute a sale



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deed permitting the petitioner to pay back the plot cost as directed in the allotment order in R.C.No.753/IE11/2022/Sakkarakottai, dated 25.02.2021.

3. In the light of the fact that the cancellation order has been set aside by this Court and the same has not been challenged, it would only be in the interests of justice that this Writ Petition be allowed and the petitioner be directed to pay back the plot cost as per the above referred allotment order and on such payment, the respondents shall put the petitioner in possession of the plot.

4. With the above observation, this Writ Petition is allowed and the impugned order dated 25.02.2021 in RC.No.753/IE1/2021/Sakkarakottai is set aside. The petitioner is directed to pay back the plot cost and on such payment, the respondents shall put the petitioner in possession of the plot. No costs.

27.03.2023
($\frac{1}{2}$)

NCC : Yes/No
Index : Yes/No
abr



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WEB COPY

To

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P.T.ASHA, J.

abr

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Dated: 27.03.2023
($\frac{1}{2}$)