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W.P.No.19590 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19590 of 2015 and
WMP.Nos.1 & 2 of 2015

U.Gopal

... Petitioner

Vs.

- 1.The Secretary to Government,
Industries & Commerce Department,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009
- 2.The Tamilnadu Small Industries
Development Corporation Limited,
(A Government of Tamil Nadu undertaking)
Thiru.Vi.Ka.Industrial Estate,
Near SIDCO Electronics Complex,
Guindy, Chennai 600 032,
Represented by its Chairman & Managing Director
- 3.The General Manager,
Tamil Nadu Small Industries Development Corporation Ltd.,
A Government of Tamil Nadu Undertaking,
Thiru.Vi.Ka.Industrial Estate,
Near SIDCO Electronics Complex,
Guindy, Chennai 600 032
- 4.The Senior Project Officer,
Tamil Nadu Small Industries Development Corporation Ltd.,
A Government of Tamil Nadu Undertaking,
Thiru.Vi.Ka.Industrial Estate,
Near SIDCO Electronics Complex,



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Guindy, Chennai 600 032
5.M/s.Cho.ka.Industries,
Tiny Shed No.61,
Thiru.Vi.Ka.Industrial Estate,
Ekkattuthangal,
Chennai 600 032

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus thereby call for all the records pertaining to the allotment order No.11507/IE2A/2010 dated 07.06.2012 issued by the second respondent made in favour of M/s.Cho.ka.Industries, the fifth respondent herein whereby allotting an extent of 5,200 sq.ft land in the Thiru.Vi.Ka.Industrial Estate (SIDCO), Ekkattuthangal, Chennai 600 032 and quash the same and consequently pleased to direct the respondents 1 to 4 to pass an appropriate order, on the basis of the second respondent's allotment order dated 11.05.1994 on the basis of the petitioner's letter dated 30.08.2001 and representation dated 03.11.2013.

For Petitioner : Mr.M.Devaraj

For Respondents

For R1 : Mr.V.Manoharan,
Additional Government Pleader



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For R5 : Mr.N.Damodaran

ORDER

This writ petition has been filed challenging the order dated 07.06.2012 on the file of the second respondent thereby allotted plot in favour of the fifth respondent admeasurig 5200 sq.ft. situated in the Thiru.vi.ka Industrial Estate, Ekkattuthangal, Chennai.

2. The petitioner had applied for allotment of shed in the industrial complex and on the said application, respondents 2 to 4 allotted shed No.94 in the SIDCO Industrial Estate, Ekkattuthangal, Chennai by the allotment order dated 17.08.1982. The sale consideration was fixed at Rs.26,700/- for the total area of 1995 sq.ft. The sale consideration has to be paid by instalments within a period of 10 years. After payment, the petitioner applied for additional accommodation to instal his new machineries by an application dated 08.10.1990. The second respondent granted additional land for expanding the petitioner's business and directed the petitioner to pay the balance sale consideration



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of Rs.7,487.30/- being the instalment dues and maintenance charges.

Accordingly, the petitioner had paid and thereby the entire sale consideration in respect of shed No.94 was fully paid by the petitioner.

However, the application submitted by the petitioner for additional land was kept pending. After repeated request made by the petitioner, on inspection, recommendation was made for additional land admeasuring 9600 sq.ft. adjacent to shed No.61. However, the respondents did not allot any additional land and the application submitted by the petitioner was kept pending. Therefore, the petitioner was constrained to approach this Court in WP.No.18476 of 1993 for direction to the respondents 2 and 3 to pass order on his application dated 08.10.1990 seeking allotment of additional land. This court by order dated 07.10.1993, directed the respondents 2 and 3 to pass orders on the application submitted by the petitioner. While pending consideration, in EP.No.1042 of 1982 in OS.No.10019 of 1972, it was ordered delivery warrant and the same was executed on 27.04.1994. Further, the second respondent passed order on 11.05.1994 allotting 5200 sq.ft. of land. Therefore, the petitioner submitted representation to the second respondent for reconsideration



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and requested to allot additional land.

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2.1 Therefore, once again the petitioner filed writ petition before this Court in WP.No.16764 of 1994. In the said writ petition, the respondents 2 to 4 reported that the land situated near tiny shed No.61 admeasuring 18300 sq.ft. out of which extent of 9600 sq.ft. recommended in favour of the petitioner, has been earmarked for common purpose such as electricity, telephone, water supply, etc. Therefore, the said land could not be allotted in favour of the petitioner. Therefore, additional land admeasuring 5200 sq.ft. was allotted in favour of the petitioner. Though the petitioner accepted the said allotment order and paid sale consideration and the same was returned to the petitioner. Thereafter, the petitioner obtained information under Right to Information Act and found that the said plot was allotted in favour of the fifth respondent.

3. On perusal of the counter filed by the respondents 2 to 4 revealed that the petitioner was originally allotted tiny shed No.94



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admeasuring 1995 sq.ft. by an order dated 17.08.1992. Thereafter, the petitioner made request for additional land and the same was recommended for allotment by the fourth respondent. However, it was not accepted by the competent authority. As directed by this Court in WP.No.18476 of 1993, the petitioner was allotted 5200 sq.ft. in plot No.22 – I by an order dated 11.05.1994 on condition to pay additional land cost on or before 30.07.1994. However, it was challenged by the petitioner in WP.No.16764 of 1994 and also seeking additional land. This Court by order dated 14.08.2001 observed that the petitioner's claim is unsustainable and dismissed the writ petition. However, this Court directed the respondents 2 to 4 to consider the application submitted by the petitioner for additional land in the event of allotting land admeasuring 18300 sq.ft. which has been earmarked for common public purpose. Only thereafter, the petitioner made payment for the additional accommodation of 5200 sq.ft. and the same was rejected by the respondents 2 to 4 by the communication dated 05.09.2001.

4. Originally the fifth respondent was allotted plot No.PK 11



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admeasuring 4800 sq.ft. The plot which was additionally allotted in favour of the petitioner has been allotted in favour of the fifth respondent by an order dated 07.06.2012. It was also ratified by the second respondent by an order dated 31.10.2013. As per the rules, for consideration of allotment of additional land, the allottee ought to have cleared all pending dues. However, the petitioner failed to clear the dues towards instalment dues and maintenance charges. Therefore he was intimated by a letter on the application submitted by the petitioner seeking additional land. In fact, after allotment of additional land admeasuring 5200 sq.ft., the petitioner challenged the same and failed to pay the land cost. Therefore, the said allotment was duly cancelled and allotted in favour of the fifth respondent.

5. In view of the above, this Court finds no infirmity or illegality in the impugned order and this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.



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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
lok

G.K.ILANTHIRAIYAN, J.

lok

To

- 1.The Secretary to Government,
Industries & Commerce Department,
Government of Tamilnadu, Fort St.George,
Chennai 600 009
- 2.Chairman & Managing Director,
The Tamilnadu Small Industries
Development Corporation Limited,
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- 3.The General Manager,
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5.M/s.Cho.ka.Industries,
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