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W.P. No. 5753 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5753 of 2018

and

W.M.P. No. 7090 of 2018

M/s. MBI Metalloys Pvt. Ltd.,
Plot No. 69, F (NP),
SIDCO Industrial Estate,
Ambattur, Chennai – 98,
Represented by its Director
Divya Siddharth

... Petitioner

-VS-

1. Chairman / Managing Director,
Tamilnadu Small Industries Development,
Corporation Limited,
Sidco Electronics Complex,
Vi.Ka. Industrial Estate,
Guindy, Chennai – 600032.

2. The Estate Manager,
Tamilnadu Small Industries Development,
Corporation Limited,
Administrative Officer Block,
Industrial Estate,
Ambattur, Chennai – 600058.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, call for records in reference to the impugned notice dated 18.01.2018 in RC. No. 790/A6/2007 on the file of the First and Second Respondents and quash the same, consequently



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directing the Respondents forbearing them from initiating any further proceedings in pursuance to the impugned notice dated 18.01.2018.

For Petitioner : Ms. Shobana

For Respondents : Mr. G.Sarath Babu
for Mr. G.Sankar

ORDER

Heard Ms. Shobana, Learned Counsel for the Petitioner and Mr. G.Sarath Babu, Learned Counsel for Mr. G.Sankar, Learned Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was allotted an extent of 0.2803 acres in industrial estate, Ambattur by allotment Order No. R.C. No. 9932/IE1/92 dated 01.03.1994 passed by the First Respondent and on payment of land cost, possession was also handed over to it. However, by Proceedings in RC. No. 1134/RC/05-1 dated 01.08.2008 issued by the First Respondent, it was informed that as the said land falls under road portion, it should not be used for industrial purpose and the allotment made to the Petitioner was cancelled and further informed that the land cost would be refunded separately. Subsequently, the Government



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of Tamil Nadu by G.O. (Ms.) No. 58, Micro, Small and Medium Enterprises

(C) Department dated 08.09.2017 had ratified the action taken by the Respondents in having made allotment of plots / sheds in Government Industria Estate exceeding 5000 sq. ft. without getting the prior approval of the Government, in which at Serial No. 53, the plot allotted to the Petitioner has been included. Thereafter, the Petitioner had made various representations including the last one dated 31.10.2017 seeking to revoke the order of cancellation taking note of the ratification by the Government of Tamil Nadu for the allotment of plot to the Petitioner. However, no action had been taken on the said representation and instead letter in Rc. No. 790/A6/2007 dated 18.01.2018 has been sent by the Second Respondent, which reads as follows:-

“ We wish to inform that during inspection it has been noticed that construction of building work is under progresses in the DP No. 69-F(NP).

In the reference first cited, you are requested to contact the undersigned for discussion to get the sale deed for DP No. 69-F (NP) at north phase of SIDCO Industrial Estate, Ambattur. During the discussion with Mr.Natesan one of the partner it has been advised to get approval for utilisation from



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our head office, since the plot was cancelled vide letter No. 8324/R6/2005-1 dated 01.08.2008 by the Chairman and Managing Director, SIDCO.

Based on the discussion you have given letter vide reference second cited and requested permission for 6 months for construction. We have informed the fact to our head office and awaiting for orders.

We therefore inform you to stop the construction work immediately, until we receive further orders from our Head Office.”

In that backdrop, the Petitioner has filed this Writ Petition challenging the order in Rc. No. 790/A6/2007 dated 18.01.2018 passed by the Second Respondent and seeking consequential directions.

3. Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the representation dated 31.10.2017 seeking revocation of the cancellation order is immediately examined by the First Respondent and a decision is taken within the time limit that may be fixed by the Court. She



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further states that no construction has taken place in furtherance of the impugned order and till the said representation is disposed, the Petitioner may be permitted to continue to occupy that property.

5. In view of the aforesaid submissions made, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the First Respondent shall immediately examine the representation dated 31.10.2017 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.06.2024 under written acknowledgment;



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WEB (v) the report of such compliance shall be filed before the Registrar
(Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.
Consequently, the connected Miscellaneous Petition is closed. No costs.

03.01.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.04.2024.

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To

1. Chairman / Managing Director,
Tamilnadu Small Industries Development,
Corporation Limited,
Sidco Electronics Complex,
Vi.Ka. Industrial Estate,
Guindy, Chennai – 600032.
2. The Estate Manager,
Tamilnadu Small Industries Development,
Corporation Limited,
Administrative Officer Block,
Industrial Estate,
Ambattur, Chennai – 600058.

Copy to

The Registrar (Judicial),



Madras High Court,
Chennai- 600 104.

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P.D. AUDIKESAVALU, J.

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