



W.P.No.7393 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

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

W.P.No.7393 of 2013 and
MP.No.2 of 2013

K.Kumarasamy

...Petitioner

Vs.

- 1.Chairman & Managing Director
Tamilnadu Small Industries Development Corporation,
Guindy, Chennai 600 032
- 2.The Deputy General Manager(IE-P),
Tamilnadu Small Industries Development Corporation,
Guindy, Chennai 600 032
- 3.The Branch Manager,
Tamilnadu Small Industries Development Corporation,
Guindy, Chennai 600 032
- 4.The Secretary to Government,
Industries Department,
Fort St.George, Chennai-9

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the GO.Ms.No.54 MICRO Small and Medium Enterprises (C) Department dated 31.12.2012 demanding the market value of the tenement and quash the same insofar as petitioner to consent as far as the Registration of the documents by fixing the cost to the above said LT



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No.206 Industrial Estate, Guindy-32 at the rate of guideline value or the current market value which were higher and direct the respondents to register the tenement in the name of the petitioner as per the proceedings of the Tamilnadu Small Industries Development Corporation, Scheme Office, Thiru.Vi.Ka.Industrial Estate, Guindy, Chennai 600 032 in No.734/௮4/97 dated 21.03.1998.

For Petitioner : Mr.Niranjana Rajagopalan
for Mr.P.Kannan

For Respondents
For R1 to 3 : Mr.P.S.Raman,
Advocate General
Assisted by
Mr.B.Manoharan,
Standing Counsel

For R4 : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent in GO.Ms.No.54 MICRO Small and Medium Enterprises (C) Department dated 31.12.2012 thereby ordered to demand market value of the tenement as per the proposal of the first respondent.



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2. The respondents had promoted a Labour Colony near Industrial Estate, Guindy, Chennai for the purpose of providing accommodation to the labourers and entrepreneurs running small scale units. The petitioner became eligible for allotment of a residential plot and accordingly, he was allotted unit No.LT 206, Labour Colony, Industrial Estate, Guindy, Chennai. Even prior to the allotment, the petitioner had occupied the said unit and he was paying rent as fixed by the first respondent. The total sale consideration was fixed at Rs.9,600/-. Accordingly, on 21.03.1998, the petitioner was directed to pay a sum of Rs.27,096/- as total cost for land and building. According to the petitioner, he had paid the entire cost and even then, the respondents failed to execute any sale deed in favour of the petitioner. Therefore, the petitioner had filed writ petition before this Court in WP.No.17908 of 2011 for direction. This Court by order dated 22.09.2011, directed the first respondent to pass appropriate orders on the request made by the petitioner seeking registration of sale deed. It was not complied with and as such, the petitioner had also filed contempt petition in Cont.P.No.1021 of 2012. In the contempt petition, the respondents produced Government



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order in GO.Ms.No.54 MICRO Small and Medium Enterprises (C) Department dated 31.12.2012 passed by the fourth respondent, thereby directed the petitioner to pay the market value of the plot which was allotted in favour of the petitioner as special case. Recording the said submission, the contempt petition was closed.

3. The learned counsel appearing for the petitioner would submit that Government order in GO.Ms.No.128 Housing and Urban Development (SC-III) Department dated 24.03.1997, ordered with an intention to regularize the scheme of a registration of the accommodation which was in possession and enjoyment of the labourers. The entire tenements accommodations are constructed only on the amount allotted by the Central Government. Further, so far 4117 houses were decided to sell for Rs.9,500/- for a concession rate. Therefore, the market value of the tenements may cause more value than the amount which was already fixed by the first respondent. The impugned order has been passed only to escape from the contempt proceedings for non compliance of the order passed by this Court in WP.No.17908 of 2011 dated 22.09.2011.



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4. On perusal of the counter filed by the respondents and also on hearing the submissions made by the learned Advocate General appearing for respondents 1 to 3, revealed that originally the subject property was allotted to one, Irudhayaraj who was an employee of M/s.Pen Spares Manufacturing Company during the year 1962. No allotment was ordered in favour of the petitioner. Circular dated 21.03.1998 was issued to all the labour tenements, requesting only bonafide allottees of the labour tenements to pay the rental arrears and tenement cost and also ordered to submit undertaking affidavit in Rs.50/- stamp paper stating that they are bonafide original allottees and if it is found on a later date that they are unauthorised occupants, penal/criminal action will be initiated against them. Though the petitioner is an unauthorised occupant, he had given undertaking in Rs.50/- stamp paper stating that he is an authorised allottee. Accordingly, he paid rental arrears and also tenement cost of Rs.27,096/-. Therefore, the petitioner is being an unauthorised occupant, the fourth respondent considered the case of the petitioner as special one and directed him to pay the guideline value or the current market value whichever is higher for the labour



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tenement No.206 to the respondents. That apart, as per the Government order in GO.Ms.No.128 Housing and Urban Development (SC-III) Department dated 24.03.1997, the original allottees are eligible for ownership and to grant permission by the respondents for execution of sale deed. The petitioner is being an unauthorised occupant, also put up construction without any prior approval from the respondents.

5. Further, the case of the petitioner is that 12 numbers of allottees in Guindy and 44 numbers of allottees in Madurai Industrial Estates were persons in occupation who were not the original allottees who alienated the houses which were occupied by them. The petitioner also furnished details of execution of sale deed in favour of the persons who were in occupation and who alienated their respective tenements. Therefore, this Court directed the respondents to produce sale deeds which were executed in favour of the tenements. On perusal of the same revealed that all the sale deeds were executed only in respect of the legal heirs of the original allottees. No sale deed was executed in favour of the persons who occupied the tenements unauthorisedly. Therefore, this



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Court finds no infirmity or illegality in the order passed by the fourth respondent. As such, this writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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