



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.14588 of 2023
and W.M.P.No.14064 of 2023

G.Jaisankar Srinivasan

.. Petitioner

Vs.

1.The State of Tamil Nadu

Represented by its Principal Secretary to Government,
Revenue and Disaster Management Department
Land Disposal Wing,
Secretariat, Chennai 600 009.

2.The Empowered Committee

Rep. by its Member Secretary,
Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy
Chennai 600 032.

3.The Tamil Nadu Small Industries Development Corporation Ltd.,

Rep. by its Managing Director,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy
Chennai 600 032.

4.The General Manager,

The Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy, Chennai 600 032.

.. Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records in R.C. No. 3322/IE-1-1/2005-1 dated 29.09.2022 on the file of the fourth respondent and consequential G.O. Ms. No. 578, Revenue and Disaster Management Department, Land Disposal Wing LD5(1) Section dated 30.11.2022 on the file of the first respondent and quash the R.C. No. 3322/IE-1-1/2005-1 dated 29.09.2022 on the file of the Fourth respondent as null and void and cancel the G.O Ms No. 578, Revenue and Disaster Management Department, Land disposal Wing LD5(1) Section dated 30.11.2022 on the file of the first respondent relating to the land of the petitioner i.e. F.P. 1 and 2 now 2C/16 in Survey No. 480 Pt. and 2C/18 in Survey No. 480 pt. as Ryotwari Manai From Sarkar Paromboke Kulam and consequently direct the third respondent to collect the cost of the land after deducting the initial payment with interest for the remaining balance of sale consideration from the Writ Petitioner i.e. Rs.8,00,760/- minus Rs. 1,95,000/-= Rs.6,05,760 plus interest and to execute the sale deed and handover the possession of the land in F.P. 1 and 2 now 2C/16 in Survey No.480 pt and 2C/18 in Survey No. 480 pt measuring an extent of 11,425 sq. ft of industrial estate of Ambattur in favour of the writ petitioner.

For Petitioner	.. Mr.S.Navaneetha Krishnan Senior Counsel forbearing Mr.R.Naveen
For Respondents	.. Mr.T.Chandrasekaran Special Government Pleader for R1 Mr.S.Karthikai Balan for R2 to R4

**ORDER**

WEB COPY

The writ petition has been filed in the nature of a certiorarified mandamus seeking records of the 4th respondent, The General Manager, Tamil Nadu Small Industries Development Corporation Limited dated 29.09.2022 and consequently, G.O. Ms. No. 578, Revenue and Disaster Management Department, Land Disposal Wing LD5(1) Section dated 30.11.2022 on the file of the first respondent, Principal Secretary to the Government, Revenue and Disaster Management Department, State of Tamil Nadu and quash the R.C. No.3322/1E-1-1/2005-1 dated 29.09.2022 on the file of the fourth respondent and cancel G.O. Ms. No. 578 on the file of the 1st respondent relating to the land of the petitioner in F.P. 1 and 2 Now 2C/16 in Survey No.480 pt and 2c/18 in Survey No.480 pt which has been classified as Ryotwari Manai Sarkar Poramboke Kulam and direct the 3rd respondent to collect the cost of the land.

2.In the affidavit filed in support of the writ petition, it had been stated that the writ petitioner had been allotted a plot in Plot No.FP1 & 2 in S.No.480 measuring an extent of 11.425 sq. ft. in Industrial Estate at Ambatur by the 3rd respondent by an order dated 31.03.1996. The total amount for which the said allotment was made was Rs.8,00,760/-. This also included maintenance charges of 5%. The petitioner had paid only Rs.1,95,000/-. This was from the year 1996 till now in the year 2024 for the past



nearly 28 years. The petitioner has been in possession without payment of the total amount or without payment of any single paise further than Rs.1,95,000/-. The petitioner therefore can be classified as an illegal and unlawful and unauthorised occupant right from the date when he had defaulted in making payment of the allotment amount.

3.It is contended that the 3rd respondent issued a Show Cause Notice to cancel the allotment on 04.06.1998. This fact itself is sufficient to point out that the 3rd respondent had been running from pillar to post seeking possession of the plot allotted to the petitioner herein. It is also seen that the 3rd respondent issued yet another Show Cause Notice on 22.06.2006, again seeking cancellation of the allotment. The petitioner had been evading cancellation for one reason or the other.

4.The petitioner filed W.P.No.36786 of 2006 and an order was passed on 04.09.2013 directing the 3rd respondent to pass an order after granting appropriate opportunity to the petitioner. Thereafter, the 3rd respondent passed an order on 06.12.2013, cancelling the allotment.

5.The petitioner then filed W.P.No.22385 of 2019 challenging the cancellation order dated 06.12.2023. A learned single Judge of this Court had quashed the



cancellation order and directed the 3rd respondent to pass a fresh order. The petitioner gave another representation dated 07.11.2020 undertaking to pay the costs with interest. That is the same relief which he seeks now, namely that he would pay the cost and interest. Though he had given an undertaking on 07.11.2020, for the past four years, no amount has been paid by the petitioner. The petitioner is just squatting on the property without payment of a single paise though, he had undertaken to pay the cost and interest.

6. Thereafter, the proceedings dated 13.06.2022 had been issued by the 3rd respondent directing handing over of the plot or collection of the plot cost. It must again be stated, the petitioner had undertaken to pay the cost of the plot in the year 2020 but till 2024 he had not paid the same. It is thus seen the petitioner is an unauthorised occupant.

7. Moreover, the disputed land had been classified as a Kulam Poramboke which is Pond area. This Court in W.P.No.3455 of 2010 and in W.P.No.23623 of 2008 had directed the respondents to convert the said land as Kulam Poramboke and to fence the entire area. But still the petitioner continued to be in occupation without making any payment.



8. The 3rd respondent had issued a cheque for Rs.1,95,000/- which the petitioner refused to accept.

9. Thereafter, G.O.Ms.No.578, dated 30.11.2022 had been passed converting the land as Kulam Poramboke. It was also reclassified in the revenue records. Therefore, the possession of the petitioner is again unauthorised not only because he has not paid any amount towards the allotment but is now squatting on the property which had been reclassified as Kulam Poramboke by the Government in G.O.Ms.No.578, dated 30.11.2022.

10. It is contended by the learned Senior Counsel for the petitioner seeks that the Government Order should be set aside.

11. The matter initially came up for consideration on 13.09.2023 and thereafter on 27.09.2023 and then the writ petition disappeared from the records of the Court. It had to be pulled out from the almirah to be listed again. The petitioner had every opportunity to get the matter listed by addressing letters to the Registrar (Judicial). But he had taken advantage of the pendency of the writ petition to continue to be in occupation. The petitioner deserves no indulgence.



WEB COPY

12.I find no merits in this writ petition and accordingly, this writ petition stands dismissed. The respondents are directed to take possession forthwith from the petitioner. No Costs. Consequently, connected miscellaneous petition is closed.

18.12.2024

Index:Yes/No
Internet:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
ssr

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu
Revenue and Disaster Management Department
Land Disposal Wing,
Secretariat, Chennai 600 009.
- 2.The Member Secretary,
Empowered Committee
Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy, Chennai 600 032.
- 3.The Managing Director,
Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy
Chennai 600 032.



WEB COPY



C.V.KARTHIKEYAN,J.

ssr

4.The General Manager,
The Tamil Nadu Small Industries Development Corporation Ltd.,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate, Guindy, Chennai 600 032.

W.P.No.14588 of 2023
and W.M.P.No.14064 of 2023

18.12.2024