



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.16825 of 2020

And

WMP No.21393 of 2020

1.Mr.C.P.J.Ram
2.Mr.A.Praveen Kumar
3.Mr.M.Lakshmanan

.. Petitioners

-VS-

1.Tamil Nadu Small Industries Development
Corporation Limited (TANSIDCO),
Represented by its Chairman and Managing
Director,
SIDCO Corporate Office,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai-600 032.

2.The Estate Manager,
SIDCO Ambattur,
Chennai-600 058.



3.M/s.Levers India,
Represented by M.Tamilmani,
High Plot No.1014,
6th Cross Street,
Erishceme,
Mogappair-West,
Chennai-600 037.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the first respondent in R.C.No.20715/IE-2/2004-1 dated 15.11.2019 and to quash the same as illegal, incompetent, irregular, unconstitutional and without jurisdiction and direct the first respondent to release the machineries and materials from the premises and to further allot the land and shed measuring 5751 sq. feet (1573+4234) at Shed No.SS-3, First Main Road, Ambattur, Industrial Estate, Chennai-600 058 at a reasonable price.

For Petitioners : Ms.V.Pavithra for
Ms.V.Srimathi

For Respondents-1 and 2: Mr.G.Vasuthevan,
Standing Counsel.

For Respondent-3 : No Appearance



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ORDER

The order impugned dated 15.11.2019 issued by the first respondent-Tamil Nadu Small Industries Development Corporation Limited to the allottees stating that the rental arrears are to be paid, is under challenge in the present writ petition.

2. The writ petitioners are admittedly not the allottees, but the sub-tenants of the allottees.

3. Ms.V.Pavithra, learned counsel appearing on behalf of the petitioners would submit that the petitioners as sub-tenants deposited the rent on behalf of the allottees to the first respondent-Tamil Nadu Small Industries Development Corporation Limited. The petitioners are ready and willing to purchase the subject land for their house and to continue the Industry. The machineries belonged to the petitioners are under lock and seal of the first respondent, which is causing the financial loss. Thus the petitioners are ready to settle the arrears of rent and to purchase the property.



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4. Mr.G.Vasuthevan, learned Standing Counsel appearing on behalf of respondents 1 and 2 would oppose the contentions raised on behalf of the petitioners by stating that the petitioners are not the allottees and therefore, they are not entitled to claim any right over the Industrial Plot allotted in favour of one Mr.M.Tamilmani, who committed default in payment of rent. Therefore, the present writ petition is to be rejected.

5. The order impugned reveals that the said Mr.M.Tamilmani, who is the allottee, has to pay the rental arrears of Rs.17,15,159/- as on the date of passing of the impugned order on 15.11.2019.

6. Admittedly, the original allottee Mr.M.Tamilmani committed default in payment of rent. Thus the first respondent has initiated action.

7. The said order impugned was not communicated to the petitioners nor the original allottee has been impleaded as respondent in the present writ petition. Since the writ petitioners are the sub-tenants and they



have no agreement or contract with the first respondent-Tamil Nadu Small Industries Development Corporation Limited, the learned Standing Counsel for the first and second respondents would submit that the allottee has no power to sublet the property without prior permission of the first respondent-Tamil Nadu Small Industries Development Corporation Limited [TANSIDCO] and therefore, the writ petitioners are not entitled for the relief as such sought for in the present writ petition.

8. If at all the petitioners are ready and willing to purchase the Industrial Plot, they have to participate in the public auction, if any, notified by the first respondent. Contrarily, the first respondent cannot unilaterally take decision for the purpose of allotting such plots in favour of the petitioners. All such allotments are to be made scrupulously by following the Rules and Regulations in force and the public auction is to be conducted.

9. This being the position of Rules and Regulations, the petitioners in the present writ petition for the purpose of removing the machineries, are at liberty to pay the arrears of rent and clear the



machineries from the premises with the consent of the allottee and in respect of purchase of plots, they are bound to participate in the public auction, if any, notified. In the event of settling the arrears of rent due to the first respondent, the first respondent has to initiate steps to release the machineries from the premises.

10. With the above observations, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Chairman and Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited (TANSIDCO),
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2. The Estate Manager,
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