



WEB COPY



W.P. No. 20477 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

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

W.P. No. 20477 of 2023

1. R.V.Vaitheswaran

2. V.Rani Shamugapriya

... Petitioners

-VS-

1. Tamil Nadu Small Industries Development
Corporation Limited
Represented by its Managing Director, SIDCO
Thiru-Vieka Industrial Estate
Guindy, Chennai – 600 032.

2. The Branch Manager
Tamil Nadu Small Industries Development
Corporation Limited
Industrial Estate, Five-Roads
Salem – 636 004.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to execute a sale deed in favour of the Second Petitioner in respect of Plot No.141 measuring an extent of 14.83 cents (approx.) in the Women Industrial Park at SIDCO Industrial Estate, Karuppur, Salem Taluk and District [Originally allotted to V.Palaniammal (since deceased)] (mother of the First Petitioner) as



W.P. No. 20477 of 2023

ordered by this Hon'ble Court on 22.01.2015 in W.P. No. 4528 of 2015 and in the light of the principles and procedure adopted and followed for the sale consideration and stamp duty therefor, for executing the sale deed and for registering the same.

For Petitioners : Mr. D.Shivakumaran
For Respondents : Ms. Sithara Sarangan
(Standing Counsel for SIDCO)

ORDER

Heard Mr. D.Shivakumaran, Learned Counsel for the Petitioners and Ms. Sithara Sarangan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners have sought for a direction to the First Respondent to execute a sale deed in favour of the Second Petitioner in respect of Plot No.141 measuring an extent of 14.83 cents (approx.) in Women Industrial Park, SIDCO Industrial Estate, Karuppur, Salem Taluk and District [Originally allotted to V.Palaniammal (since deceased)] (mother of the First Petitioner) as directed by this Court by order dated 22.01.2015 in W.P. No. 4528 of 2015.



W.P. No. 20477 of 2023

3. It is borne out from the record that the Second Respondent by Proceedings in Rc. No. 408/C/2003 dated 22.06.2018 had informed the Petitioner, as follows:-

“With reference to the above, I wish to inform out Head Office has instructed to collect the difference in land cost amount of Rs. 3,43,022/- along with interest 13% from 26.05.2014 to pay the till date and also obtain the undertaking letter in Rs. 100/- stamp paper from you and also sent a undertaking format to you vide reference 2nd cited.

But you have not remit the above amount along with interest and not furnish the undertaking letter to this office till the date.

Hence, we request you to kindly be remit the above amount and furnish the undertaking letter to this office at once. After receipt of payment and inform the fact to out Head Office so as to take further action in this regard.”

Though the Petitioners have produced a copy of the said letter at page 82 of the typed-set of papers along with the Writ Petition, there is no whisper of the same in the affidavit filed in support of the Writ Petition.



W.P. No. 20477 of 2023

4. In the absence of any challenge to the said order passed by the Second Respondent, it would not possible to entertain this Writ Petition for the relief that has been sought. In such circumstances, Learned Counsel for the Petitioners seeks permission of the Court to withdraw the Writ Petition reserving the right of the Petitioners to file fresh Writ Petition for appropriate relief relating to the same cause of action and he has made an endorsement to that effect in the court record.

5. In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.01.2024

2/2

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 28.03.2024.

Maya

To

1. The Managing Director, SIDCO
Tamil Nadu Small Industries Development
Corporation Limited
Thiru-Vieka Industrial Estate
Guindy, Chennai – 600 032.



W.P. No. 20477 of 2023

2. The Branch Manager
Tamil Nadu Small Industries Development
Corporation Limited
Industrial Estate, Five-Roads
Salem – 636 004.



WEB COPY



W.P. No. 20477 of 2023

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 20477 of 2023

02.01.2024

2/2