



W.P.No.27282 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

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

W.P.No.27282 of 2021

Bullock Cart Workers Development Association
Represented by its Secretary Dr.C.Joslin Thambi,
No.858, East Pondy Road,
Villupuram – 605 602

... Petitioner

Vs.

- 1.Block Development Officer,
Mailam Panchayat Union,
Tindivanam Taluk,
Villupuram District
- 2.The Assistant Director(Panchayat),
District Collectorate Complex,
Villupuram
- 3.The Commissioner,
Mailam Panchayat Union,
Tindivanam Taluk,
Villupuram District
- 4.The Managing Director,
Tamilnadu Small Industries Development
Corporation Ltd., (SIDCO),
Thriu-Vi.Ka Industrial Estate,
Guindy,
Chennai
- 5.The Manager(HPL & I.E.),
Tamilnadu Small Industries Development
Corporation Ltd., (SIDCO),
Thriu-Vi.Ka Industrial Estate,



W.P.No.27282 of 2021

Guindy,
Chennai

6.The Branch Manager,
Cuddalore Branch,
Tamil Nadu Small Industries Development
Corporation Ltd., (SIDCO),
Cuddalore District

...Respondents

PRAYER: Writ petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the first respondent to give NOC for executing a sale deed/conveyance deed by the sixth respondent in favour of the petitioner institution, of the shed and land comprised in survey No.106/1 in the Kolliyangunam Village in Mailam Panchayat Union, as per the allotment order in Ref.No.22632/IE.8/HPL/92 dated 08.05.1996 issued by the fifth respondent.

For Petitioner : Mr.K.Sathish Kumar

For Respondents

For R1 & 3 : Mrs.C.Meena Arumugam,
Additional Government Pleader

For R2 : Mr.V.Manoharan,
Additional Government Pleader

For R4 to 6 : No appearance

ORDER

This writ petition has been filed for direction to the first respondent to give no objection certificate for execution of sale deed by



W.P.No.27282 of 2021

the sixth respondent in favour of the petitioner for the shed and land comprised in survey no.106/1 situated at Kolliyangunam Village in Mailam Panchayat Union, Villupuram District as per the allotment order issued in favour of the petitioner by the fifth respondent dated 08.05.1996.

2. The petitioner was allotted shed and land comprised in survey no.106/1 situated at Kolliyangunam Village in Mailam Panchayat Union, Villupuram District by the fifth respondent by order dated 08.05.1996 to start industrial training and service centre. After payment of cost of the land and plot, sale deed and the memorandum of understanding would be executed by the fifth respondent. Accordingly, the petitioner had taken possession of all 15 sheds as per the allotment order issued by the fifth respondent. However, the petitioner did not start industrial training and service centres and instead, the petitioner started primary school and upgraded to middle school under the name and style of BWDA Matriculation School. For execution of sale deed in favour of the petitioner in respect of the subject property, the petitioner requested



W.P.No.27282 of 2021

the fourth respondent. However, the petitioner was directed to obtain no objection certificate from the first respondent for execution of sale deed.

3. Heard, the learned counsel appearing on either side.

4. On perusal of the counter affidavit of respondents 1 and 3, revealed that the land admeasuring 1.27 acres comprised in survey no.106/1, Kolliyangunam Village, Villupuram District belongs to the third respondent. The third respondent granted permission in favour of the fourth respondent for construction of match box unit for the usage of vulnerable people. Out of 1.27 acres, the fourth respondent utilised 69 cents of land for construction sheds and rest of the places were remaining vacant. Though the fourth respondent had taken efforts to run the match box unit, it had become unsuccessful and the match box unit was kept abandoned. While being so, on 08.05.1996, the fourth respondent allotted those 15 sheds to start industrial training and service centre in favour of the petitioner herein. Thereafter, the petitioner without obtaining any proper permission from the third respondent, started



W.P.No.27282 of 2021

industrial training institute in the name of BWDA. However, the petitioner did not continue the institute and started nursery and elementary school. Thereafter, in the year 2018-19, the petitioner applied for upgradation of the school from nursery and elementary school to Matriculation school before the Directorate of School Education, Chennai. The said application was returned on 16.02.2022 questioning about the validity of the title of the property wherein the school is run by the petitioner.

4.1 Further the third respondent also raised objections before the Directorate of School Education, Chennai not to process the application submitted by the petitioner for upgradation of the matriculation school from nursery and elementary school. Further, the fourth respondent was permitted only for construction of match box unit for the welfare of weaker section. But the fourth respondent without any consent or permission from the third respondent allotted those sheds in favour of the petitioner which is illegal. Respondents 4 to 6 have no title or right over the subject property to lease out the same in favour of the petitioner. So



W.P.No.27282 of 2021

far, no sale deed has been executed in favour of the respondents 4 and 5 herein by the third respondent. That apart, the petitioner is now illegally occupying 4.87 acres of land and running the educational institution without any semblance of right over the property. Initially permission was granted in favour of the fourth respondent to construct 15 sheds. However, respondents 4 & 5 could not able to continue the match box unit and illegally allotted in favour of the petitioner. Now the petitioner is illegally occupying the adjacent land admeasuring 4.36 acres comprised in survey No.106/1A2 and also the property comprised in survey No.106/1A3 admeasuring 51 cents.

5. On perusal of revenue records revealed that on 12.01.2010, one, Natarajan had executed sale deed in favour of the petitioner registered vide document No.62 of 2010 in respect of some other property which is situated adjacent to the subject property. While being so, on 03.03.2013, lease deed was executed in favour of the petitioner including the land comprised in survey No.106/1A. The land comprised in survey No.106/1A admeasuring 24.70 acres was originally allotted in favour of



W.P.No.27282 of 2021

Tamilnadu Police Training Academy. After raising objections, the petitioner conveniently cancelled the said lease deed on 27.04.2022. Subsequently, the petitioner made forged rectification deed dated 13.08.2020 in order to grab the property comprised in survey No.106/1A2 admeasuring 4.36 acres and the property comprised in survey no.106/1A3 admeasuring 51 cents situated at Kolliyangunam Village in Mailam Panchayat Union, Villupuram District. Therefore, the petitioner is in illegal possession and enjoyment of the property belongs to the third respondent.

6. Therefore, no objection sought for by the petitioner cannot be granted and the writ petition is devoid of merits and the same is liable to be dismissed. However, the third respondent is directed to take steps to recover the lands comprised in survey No.106/1, 106/1A2 and 106/1A3 situated at Kolliyangunam Village in Mailam Panchayat Union, Villupuram District from the petitioner in accordance with law within a period of four weeks from the date of receipt of copy of this order.



W.P.No.27282 of 2021

7. With the above direction, this writ petition is dismissed.

There shall be no order as to costs.

23.10.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

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Tindivanam Taluk, Villupuram District
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W.P.No.27282 of 2021

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W.P.No.27282 of 2021

23.10.2024