



S.A.(MD).No.621 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

S.A.(MD).No.621 of 2024

and

C.M.P(MD).No.15042 of 2024

R. Manimekalai

... Petitioner

Vs

1. The Managing Director,,
Tamil Nadu Small Industries Development
Corporation Limited,
Guindy,
Chennai.

2. The General Manager,
Tamil Nadu Small Industries Development
Corporation Limited,
Chennai-32.

3. The Branch Manager,
Tamil Nadu Small Industries Development
Corporation Limited,
SIDCO Industrial Estate,
Thanjavur.



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4. The State of Tamil Nadu
Represented by Its, District Collector,
Thanjavur.

... Respondents

PRAYER: Second Appeal filed under Section 100 of the Civil Procedure Code to set aside the Judgment and decree dated 12.10.2022 made in A.S.No. 18 of 2021 on the file of Additional Sub Court, Thanjavur confirming the Judgment and Decree dated 27.07.2021 made in O.S.No. 44/2014 on the file of Additional District Munsif Court, Thanjavur.

For Appellant : No Appearance

For R3 : Mr.I.Murugesan

For R4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

JUDGMENT

This second appeal has been filed as against the concurrent findings of the Courts below.

2.The plaintiff is a retired Superintendent of SIDCO. After her retirement, she has filed the above suit, seeking declaration on the suit schedule house that the house belongs to her and also sought for a



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mandatory injunction to the SIDCO to execute a sale deed in favour of her. She also seeks permanent injunction restraining the respondent (SIDCO) from interfering with her possession of the suit schedule property. The suit appears to have been filed based on the Government Order in G.O.Ms.No.128 Housing and Urban Development Department dated 24.03.1997. Both the Courts below have concurrently held as against the appellant that she cannot maintain the suit, on the basis of the above mentioned Government order that it is meant for labourers and not for the staff of the SIDCO.

3.The respondent SIDCO has produced a document/an allotment order in a proceedings in 2382/C/86, dated 30.06.1986 states that the house was allotted to the plaintiff on rental basis and therefore, she is not entitled to occupy the quarters, after her retirement from service. The trial Court and the first Appellate Court have considered the above document and held that the plaintiff is not entitled for the relief. As against the concurrent findings of the Courts below, the present second appeal is filed on the following substantial questions of law:-



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- i. Whether the lower Courts are correct in interpreting the Government orders in proper way?
- ii. Whether the lower Courts are right in laying its judgment on documents, which are irrelevant?
- iii. Whether the term "the occupants (persons who had already been residing in the said houses)" in G.O.Ms.No.128, dated 24.03.1997 is taken into consideration?

4. When this second appeal is taken up for admission, the learned counsel appearing for the appellant has filed a memo stating that he is not having any instructions to proceed with the second appeal.

5. In fact, this second appeal is filed with a delay of 101 days on 19.06.2023 and the learned counsel, who has followed up the second appeal till the condonation of delay has taken a stand at the time of admission that he is not having any instructions to proceed with the appeal. The learned counsel has also filed a memo that he is withdrawing his appearance.



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6.Considering the memo, this Court, directed the Registry to list this matter on 25.10.2024 in the name of the appellant. This Court has also directed the learned Counsel to inform the appellant about the listing of this second appeal for admission on 25.10.2024. However, there was no representation for the appellant on 25.10.2024. Therefore, this Court once again adjourned the second appeal to 28.10.2024. Even on 28.10.2024, there was no representation for the appellant. Therefore, the second appeal was directed to be listed today in the name of the appellant on 30.10.2024, under the caption 'for dismissal'.

7.Even today, there is no representation for the appellant. Therefore, this second appeal is dismissed for default. No costs. Consequently, the connected miscellaneous petition is closed.

30.10.2024

Internet :Yes
Index :Yes/No
NCC : Yes/No
LR



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TO:

1. The Additional Sub Court,
Thanjavur.
2. The Additional District Munsif Court, Thanjavur.
3. The District Collector,
Thanjavur.
4. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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Judgment made in
S.A.(MD)No.621 of 2024

Dated:
30.10.2024