



W.P(MD)No.28118 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.28118 of 2023

and

W.M.P(MD)No.23624 of 2024

Mallika

... Petitioner

Vs

1.The Administrative Director,
SIDCO,
Near Electronics Complex,
Thiru Vika Industrial Estate,
Guindy,
Chennai – 32.

2.The Branch Manager,
SIDCO Branch Office (TAN SIDCO),
Tamil Nadu Small Industries Development Corporation,
SIDCO,
Nanjilkottai Road,
Thanjavur District – 613 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the second respondent to execute a sale deed in favour of the petitioner for the WCR Plot No.67 an extent of 2477 sq.ft. which was allotted to her by the second respondent through his allotment order Rc.No. 9616/D1/2006 dated 05.12.2006 as the petitioner paid entire money to the second respondent as per the aforesaid allotment order.



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For Petitioner : Mr.R.Murugappan

For Respondents : Mr.I.Murugesan

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the second respondent to register the sail deed in favour of the petitioner as per the allotment order for WCR Plot No. 67 to an extent of 2477 sq.ft in the industrial estate at Kumbakonam.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The second respondent allotted Work cum Residence Plot No.67 situated in the Industrial Estate at Kumbakonam, Thanjavur District admeasuring 2477 sq.ft was allotted in favour of the petitioner by order Rc.No.9616/D1/2006 dated 05.12.2006 on hire purchase basis for the sum of Rs.56,800/-. However, the petitioner had failed to pay the dues properly as per the conditions imposed in the allotment order. Hence the allotment order was cancelled by the respondents by its communication dated



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27.05.2012 for non-payment of plot cost. However, on the request made by the petitioner, the cancellation of the allotment order was revoked by the communication dated 21.08.2012 after payment of the entire plot cost for the extent of 1928 sq.ft. Thereafter it was handed over to the petitioner on 05.12.2012. However, the petitioner failed to commence the industrial production within a period of 24 months from the date of taking over the possession of work cum residential plot. Therefore the petitioner was issued show cause notices dated 27.07.2018 and 16.10.2018. Even after receipt of the same, the petitioner did not respond. Therefore, the respondent cancelled the allotment order once again for non-utilisation of the plot by the communication dated 13.02.2019. At the same time, the petitioner also submitted representations repeatedly for execution of sale deed in respect of the plot admeasuring 2477 sq. ft. Thereafter, the respondent issued communications dated 18.07.2021, 16.12.2021, 17.07.2023 and finally on 05.12.2023 thereby directed the petitioner to provide particulars for cancellation of allotment order and also for execution of sale deed in respect of work cum residential plot No.67 to an extent of 1928 sq. ft. However, the petitioner so far did not turn up.



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4.Now the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to submit all necessary documents to show that the production already commenced in the work cum residential plot and also agreed for the sale deed to an extent of 1928 sq ft.

5.It is also seen that there is no dispute about the payment of dues from the petitioner. Only after the entire payment for the extent of 1928 sq. ft, the cancellation of allotment order was revoked and the petitioner was handed over the possession of the plot. In view of the above, the petitioner is directed to submit all required documents before the second respondent for execution of the sale deed in respect of the WCR Plot No.67 situated in the Industrial Estate at Kumbakonam, Thanjavur District to an extent of 1928 sq.ft., within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to register the sale deed in favour of the petitioner within a period of two weeks thereafter.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

20.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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20.12.2024