

(2008) 11 MAD CK 0155

In the Madras High Court

Case No : Writ Petition No. 3060 of 2003 and W.P.M.P. No. 3841 of 2003

Mrs. K. Kamala

APPELLANT

Vs

The Tamil Nadu Small Industries Development Corporation
Limited

RESPONDENT

Date of Decision : 10-11-2008

Acts Referred:

Citation : (2008) 11 MAD CK 0155

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : S.M. Pandian, for the Appellant; B. Shanthakumar, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—This writ petition has been filed, seeking to issue a writ of certiorarified mandamus, to call for the records pertaining to the proceedings of the 1st respondent in No. 4514/IE3/96, dated 18.9.1996, and quash the same in so far as it relates to cancellation of the allotment of a shed measuring 490 sq.ft. with a land area of 1530 sq.ft. near SBI godown, Industrial Estate, Guindy and to direct the respondent to reconsider the application and to revoke the cancellation order.

2. The petitioner has stated that she has been running a small scale industry from the year 1993, under the name and style of S.R.G. Industries. She had also obtained a Small Scale Industries certificate from the industrial department. For carrying out the job work of Desk Top Publishing, Documentation for various firms etc., she made an application to the respondent, on 26.3.1996, to allot an industrial shed measuring about 490 sq.ft. near SBI Godown, Guindy. By a letter, dated 28.3.1996, issued by the then Chairman and the Managing Director of Tamil Nadu Small Scale Industrial Development Corporation Limited, she was allotted a shed measuring about 490 sq.ft. near SBI Godown, Guindy, on condition that she should remit the entire amount towards the cost of the shed.

She had also been directed to pay a sum of Rs. 4,000/- towards additional security deposit, in addition to the deposit of Rs. 1,000/-, already made. In the said allotment letter, the cost of the plot allotted to the petitioner was Rs. 65,900/- and the cost of the building was shown as 93,000/-. The petitioner had paid a total sum of Rs. 1,71,960/-.

3. Later, the petitioner received a letter, dated 13.7.1996, from the respondent to appear before the Allotment Committee, on 23.7.1996, and the petitioner had sent all the necessary details. However, by the impugned order, dated 18.9.1996, the allotment made in favour of the petitioner had been cancelled without mentioning any specific reasons for such cancellation. The order of cancellation is arbitrary, illegal and contrary to law. Due to the cancellation of the allotment made in her favour, the petitioner has been put to serious prejudice and hardship

4. In the counter affidavit filed on behalf of the respondent, it is stated that the allotment made in favour of the petitioner had been cancelled due to the fact that necessary documents, including the project report, letter obtained from the Bank or other approved financial institutions and the Small Scale Industries Certificate required by the respondent, by a letter, dated 13.7.1996, were not submitted by the petitioner and also due to the fact that the area allotted to the petitioner for the construction of the shed was not suitable for the purpose of establishing an industry. For the said reasons, the allotment made in favour of the petitioner had been cancelled.

5. In spite of the impugned order having been communicated to the petitioner in the year 1996, the petitioner has come before this Court by way of filing this writ petition only in the year 2003 and it is an unexplained delay of seven years. Therefore, this writ petition is liable to be dismissed on the ground of laches. Further, the petitioner, does not have any right for the allotment of the shed in the Guindy Industrial Estate, as claimed by her. Since she has not complied with the necessary conditions, the allotment made in her favour has been cancelled. Hence, the writ petition is liable to be dismissed.

6. In view of the submissions made by the learned Counsels appearing for the petitioner and the respondent, this Court is of the view that the petitioner has not shown sufficient reasons for setting aside the impugned order passed by the respondent, dated 18.9.1996, cancelling the allotment made in favour of the petitioner in the industrial Estate, Guindy. Further, the petitioner has not explained the reason for the long delay of more than seven years in preferring the writ petition after the impugned order had been passed by the respondent i.e on 18.9.1996. On a perusal of the records available, it is clear that the petitioner has not submitted the necessary documents nor had she given any particulars required by the respondent for confirmation of the allotment made in her favour.

7. In such circumstances, the writ petition is liable to be dismissed and the same is dismissed. However, the respondent is directed to refund the entire amount deposited by the petitioner, pursuant to the allotment made in her favour,

deducting a sum of Rs. 1,000/- as earnest money deposit, within a period of four weeks from the date of receipt of a copy of this order. Consequently, the connected W.P.M.P. is also dismissed. No costs.