

(2010) 12 KL CK 0173

In the High Court Of Kerala

Case No : Writ Petition (C) No. 34671 of 2010 (H)

Rosily Antony

APPELLANT

Vs

The General Manager and The State of Kerala

RESPONDENT

Date of Decision : 09-12-2010

Acts Referred:

Citation : (2010) 12 KL CK 0173

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Jijo Paul, for the Appellant; No appearance, for the Respondent

Final Decision : Dismissed

Judgement

Antony Dominic, J.—Petitioner was allotted a plot having an extent of 99 cents in Ayyankunnu Industrial Development area in Thrissur district. Ext. P1 is the agreement that was executed. In this writ petition, she challenges Ext. P15 order.

2. Earlier, alleging violation of the terms of the allotment, Ext. P9 order resuming the industrial plot was passed. That order was challenged before this Court and in Ext. P14 judgment rendered in WP (c) No. 23880/2010, on the ground that the order was passed without affording an opportunity of hearing to the Petitioner, the order was set aside and the matter was ordered to be reconsidered. Accordingly, Petitioner was heard and Ext. P15 was passed, the relevant portion of which reads as under:

But on personal hearing the promoter could not put forward any concrete proposals to start the project to utilize the land with valid supporting details. The reason, the promoter had stated for delay in implementing the project is due to delay in cutting and removing of trees in the land. But the cutting and removing of the trees was completed in March 2009 itself. The supporting details for financial arrangement, they had produced an invalid copy of the loan recommendation letter from KVIB to M/s. Canara Bank, Athani. The promoter had promised to produce valid letter for raw material availability within

29-09-2010, but failed to produce any valid details. The party is a defaulter of 2 installments of land value dues.

3. When the matter was taken up, the main contention raised by the learned Counsel for the Petitioner was that the finding in Ext. P15 that the Petitioner did not put forward any concrete proposal to start a project to utilize the land is incorrect. According to the learned Counsel, Exts.P10 and P11 enclosing building plan and other details were submitted and it was on account of the inaction on the part of the Respondents that the Petitioner could not proceed further with the matter.

4. When this submission was made, the learned Government Pleader was directed to obtain instructions in the matter. Accordingly, on instructions, it is submitted that among the documents produced by the Petitioner, the Respondents had received only Ext. P10, a one line letter and that too without any enclosures including any building plan or other details. It is stated thereafter the Petitioner did not turn up despite repeated notices that were issued and in the circumstances, the impugned proceedings were issued.

5. Although it is the case of the Petitioner that she made all efforts to establish the industrial unit, there is nothing on record to prove such a contention. That apart Ext. P10, which is admitted to have been received by the Respondents, does not contain any concrete proposal for utilization of the land. That apart, she is already found to be a defaulter. Therefore, this evidently is a case of violation of the terms of allotment and the agreement entered into between the parties.

6. The plot in question allotted to the Petitioner is in an industrial development area which is established by the Government for promoting small scale industrial units. If an allottee does not make use of the plot which is a scarce commodity, the authorities are entitled to resume the land and re-allot the same to deserving applicants waiting for allotment. Such being the case, I do not find any merit in the case set up by the Petitioner.

Writ petition fails and it is dismissed.