



WEB COPY



W.A. No.214 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2025

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.214 of 2020
and C.M.P. No.2362 of 2022

Tamil Nadu Electricals
rep. By its Partner Mr.N.G.Ravi Prakash,
No.28, Prithvipakkam,
Ambattur, Chennai – 600 005.

... Appellant

Vs.

- 1.The State of Tamil Nadu
rep. By its Secretary to Government,
Small Industries Department,
Secretariat, Chennai – 600 009.
- 2.Tamil Nadu Small Industries Development
Corporation Ltd., rep. By its
Chairman & Managing Director,
SIDCO, Electronics Complex,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
- 3.The Project Officer,
Tamil Nadu Small Industries Development
Corporation Ltd.,
Administration Block Building,
I Floor, Ambattur, Chennai – 600 058.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order



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dated 30.08.2019 in W.P. No.23693 of 2008.

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For Appellant : Mr.Naveen Kumar Murthi
For Respondents : Mr.S.Senthil Murugan,
Special Government Pleader
for R1
Mr.Karthikai Balan for R2 and R3

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

Under assail is writ order dated 30.08.2019 in W.P.No.23693 of 2008.

2. Industrial plot has been allotted in favour of appellant on 16.09.1993 and possession was handed over. Subsequently, Tamil Nadu Small Industries Development Corporation Limited, which allotted industrial plot in favour of the appellant, found that subject plot is a waterbody and classified as 'fishing pond and other pond area'. Pertinently, even before handing over of possession, subject plot allotted has been declared as waterbody viz., 'fishing pond and other pond area'. Since subsequently order has been passed on 01.08.2008 cancelling the allotment on the ground that subject industrial plot allotted is identified as a waterbody i.e., 'fishing pond and other pond area', waterbody cannot be allotted for industrial purposes. Tamil Nadu Small Industries Development Corporation Limited committed a mistake in allotting waterbody in favour of appellant. Subsequently, Tamil Nadu Small Industries Development Corporation Limited noticed that allotment made cannot be



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sustained and passed an order cancelling the allotment.

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3. High Court in exercise of power of judicial review under Article 226 of The Constitution of India cannot issue any direction to reclassify the waterbody. Reclassification is impermissible as waterbodies are to be protected for the benefit of people at large. Water is life. Protection of waterbodies is a constitutional mandate. Thus, State has to preserve waterbodies and protect the same for public benefit. That being so, claim of the appellant for reclassification cannot be considered by this Court. As far as cancellation is concerned, this Court is of the considered opinion that appellant is entitled to get back money deposited and said deposit money is directed to be returned to the appellant along with interest at 8% per annum from the date of payment till the date of repayment. Tamil Nadu Small Industries Development Corporation Limited is directed to settle the said amount within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above direction, the writ appeal stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
11.11.2025

Index:Yes/No
Neutral Citation:Yes/No
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To

- 1.The Secretary to Government,
Small Industries Department,
Secretariat, Chennai – 600 009.
- 2.The Chairman & Managing Director,
Tamil Nadu Small Industries Development
Corporation Ltd.,
SIDCO, Electronics Complex,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.
- 3.The Project Officer,
Tamil Nadu Small Industries Development
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Administration Block Building,
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**S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.**

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