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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

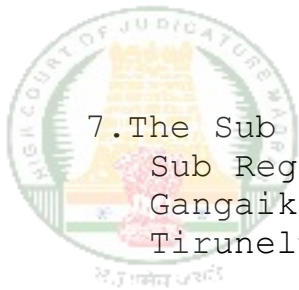
W.A.[MD].No.162 of 2017

M.Mohammed Anisha

... Appellant/Petitioner

Vs.

- 1.The Principal Secretary / Chairman
and Managing Director,
State Industries Promotion
Corporation of Tamil Nadu Ltd.,
(SIPCOT), 19A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
- 2.The General Manager,
State Industries Promotion
Corporation of Tamil Nadu Ltd.,
(SIPCOT), 19A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
- 3.The Senior Project Manager,
State Industries Promotion
Corporation of Tamil Nadu Ltd.,
SIPCOT Industrial Growth Centre,
Gangaikondan, Tirunelveli District.
- 4.The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd., (HCPL),
Madurai Retail Regional Office,
Plot No.7, Third Floor,
Rakesh Towers,
Bye Pass Road,
Madurai - 625 010.
- 5.The Director General (Road Development)
and Special Secretary,
Ministry of Road Transport and Highways,
Government of India, Transport Bhavan,
No.1, Parliament Street, New Delhi - 110 001.
- 6.The Chairman,
National Highways Authority of India (NHAI),
New Delhi- 110.



7.The Sub Registrar,
Sub Registrar Office,
Gangaikondan,
Tirunelveli.

... Respondents /Respondents

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 05.01.2017 made in W.P.(MD) No.20553 of 2013.

Prayer in WP(MD). 20553/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioraified Mandamus by calling for the records relating to the proceedings of the first respondent dated 31.12.12 made in REF. NO. D1/SIGC- GKN/HPCL/2012, allotting plot no. CP-2B, Measuring an extent of one acre in SIPCOT Industrial Growth Centre, Gangaikondan to the fourth respondent and the consequential lease deed dated 20.3.13 registered as Document No. 678 of 2013 on the file of the Sub- Registrar, Gangaikondan, entered into between the first respondent and the fourth respondent, quash the same and direct the first respondent to allot half acre of land in plot No.CP-2B in SIPCOT Industrial Growth Centre, Gangaikondan to the petitioner for running a hotel business.

For Appellant	: Mr.S.Hameed Ismail
For R2	: Mr.N.Adithya Vijyalayan
For R4	: Mr.M.Sridar
For R6	: Mr.C.Arulvadivel @ Sekar
For R7	: Mr.Govindan, Special Government Pleader

JUDGMENT

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The unsuccessful writ petitioner is on appeal challenging the order dated 05.01.2017 dismissing W.P.(MD)No.20553 of 2013.

2.The case of the appellant is that he applied to SIPCOT for allotting a certain piece of land for starting a restaurant. He was called for interview and even the rates were indicated. But without allotting the said plot No.C.P/2B/P.T.to the appellant the same was allotted to Hindustan Petroleum Corporation Limited by order dated 31.08.2012. The said Corporation has been given 99 years lease for setting up a Petroleum retail outlet. It is alleged that the fourth respondent did not comply with the allotment condition and that led to the cancellation of the allotment itself. But for the reasons best known, the first respondent issued a fresh allotment order in favour of the fourth respondent.



3.The learned counsel for the petitioner contended that it is not open to the first respondent to issue a fresh order of allotment to the fourth respondent Corporation after cancelling the same in the first instance. Hence, he filed a W.P.(MD) No.20553 of 2013, challenging the allotment order dated 31.12.2012 by the fourth respondent herein. The learned Judge dismissed the writ petition by order dated 05.01.2017. Challenging the same, this intra Court appeal has been filed.

5.Heard the learned counsel for the parties.

6.Admittedly the land in question belongs to SIPCOT. It is for SIPCOT to allot the land to a person, who fulfill the norms. In this case, the allotment has been made in favour of a Government of India undertaking. It appears that due to some technical reasons, there was no fulfilment of some conditions leading to cancellation, but upon fulfilling the same, a fresh allotment order was issued on the same day. There is nothing wrong in this case.

7.The other ground of attack is that there cannot be setting up of a petroleum outlet within 1000 Metres in the Highway from another outlet. This issue has already been settled by this Court. It appears that the appellant herein has been set up a rival outlet. We find no merit in this writ appeal. Accordingly, this writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To:

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and Managing Director,
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"Dwarka", New Delhi- 110.

7.The Sub Registrar,
Sub Registrar Office,
Gangaikondan, Tirunelveli.

+1cc to Mr.S.HAMEED ISMAIL,Advocate,SR. 72860
+1cc to M/S.Special Government Pleader,SR. 72642
+1cc to Mr.N.ADITYAVIJAYALAYAN,Advocate,SR. 72752
+2cc to Mr.M.SRIDAR,Advocate,SR.72288,54826
+1cc to Mr.C.ARUL VADIVEL @ SEKAR,Advocate,SR. 72452

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GSP/SMI
KK/GT/SAR3/20.09.2017/4P-14C