

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

**W.P(MD) No.4994 of 2014 and
M.P.(MD) Nos.1 & 2 of 2014**

M/s.Thanu Praba Constructions
Rep. through its Proprietor,
L.Thetchinamoorthy,
S/o.Y.Lakshmanan,
Flat A2, 2nd Floor,
Durga Srestha Apartments,
69, Officers Colony,
Puthur, Tiruchirapalli-620 017.

... Petitioner

-vs-

1. The Principal Secretary /
Chairman & Managing Director,
State Industries Promotion Corporation of Tamil Nadu Ltd.,
No.19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore, Chennai-600 008.
 2. The Project Officer,
State Industries Promotion Corporation of Tamil Nadu Ltd.,
Pudukkottai.
 3. The Estate Officer,
State Industries Promotion Corporation of Tamil Nadu Ltd.,
Pudukkottai.
- ... Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order in Ref.No.D.II/Pdk/Thanu Praba/2013 dated 23.10.2013 issued by the first respondent and quash the same.

For Petitioner	: Mr.P.Thiagarajan
For R1	: Mr.N.Adithya Vijayalayan
For R2 & R3	: No Appearance

O R D E R

This writ petition has been filed, seeking to quash the order of the 1st respondent dated 23.10.2013 passed in Ref.No.D.II/Pdk/Thanu Praba/2013, by which the allotment of Plot No.4A/2-3.82 acres to the petitioner at SIPCOT Industrial Complex, Pudukkottai, was cancelled on account of violation of terms and conditions of allotment order / lease deed.



2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent. There is no representation on behalf of R2 & R3.

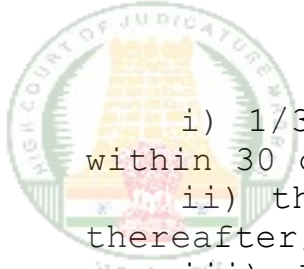
3. The case of the petitioner is that the first respondent has issued a notice dated 08.03.2013 for not starting the construction work even after a lapse of four years, for which, the petitioner has replied on 18.03.2013, stating that due to the delay in getting financial assistance from the Bank, the petitioner could not complete the construction. However, being not satisfied with the explanation, offered by the petitioner, the impugned order of cancellation of allotment order came to be passed against the petitioner, which is under challenge in this writ petition.

4. When the matter is taken up for hearing, both the petitioner and the respondents have stated that after filing of the writ petition and after due deliberation, they have amicably settled the issue and the petitioner has agreed to remit Rs.11,51,900/- as directed by the authority concerned in the letter dated 28.07.2017. The petitioner has also filed an undertaking affidavit to that effect, which reads as follows:

"2. I respectfully submit that as per the copy of the letter produced by the Counsel for the respondents dated 17.7.2017, I have to remit the differential land cost of Rs.3 lakhs per acre so as to extend the time for the further period of 6 months to complete the construction and implementation of the project and to revoke the cancellation of allotment order dated 12.01.2009 issued in my favour. I hereby agreed to pay the differential land cost of Rs.3 lakhs per acre.

3. I further submit that as per the copy of the letter dated 28.7.2017, written by the second respondent and produced by the Counsel for the respondents I have to pay the differential plot cost at Rs.3 lakhs per acre and it comes around to Rs.11,46,000/- apart from the processing fees of Rs.5,000/- and the GST and CST at Rs.900/- totalling Rs.11,51,900/-, within 90 days from the date of order of the Court. If the allottee fails to make the payment within 90 days the accrued interest at the rate of 15.5% would be charged. I hereby undertake to pay the total amount as claimed by the second respondent in his letter dated 28.07.2017 within the period of 90 days from the date of the receipt of the copy of the order passed in this writ petition."

5. In view of the above undertaking, this Court, while placing the same on record, directs the petitioner to pay the entire amount in three instalments in-between the gap of 30 days of each payment, as under:

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- i) 1/3rd of the agreed amount shall be paid by the petitioner within 30 days from the date of receipt of a copy of this order;
 ii) the 2nd portion of the amount be remitted within 30 days thereafter; and
 iii) Likewise, the remaining and the final portion of the amount shall be paid within 30 days, subsequent to the 2nd instalment.

6. In the undertaking affidavit, with regard to the completion of the construction and implementation of the project, the petitioner has stated as follows:

"4. I respectfully submit that I hereby undertake to complete the construction and implement the project within 6 months from the date of revocation of cancellation of allotment order."

7. In the result, this petition is disposed of with direction to the petitioner to comply with the above direction issued by this Court and act as per the undertaking dated 06.08.2017. It is needless to mention here that any default / deviation on the part of the petitioner will lead to restoration of the impugned order, viz., cancellation of allotment order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary /
 Chairman & Managing Director,
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 Post Box No.7223, Egmore, Chennai-600 008.
2. The Project Officer,
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 Pudukkottai.
3. The Estate Officer,
 State Industries Promotion Corporation of Tamil Nadu Ltd.,
 Pudukkottai.

+1cc to M/S. P.THIAAGARAJAN, Advocate, SR.No.70835.

+1cc to M/S. N.ADITHYAVIJAYALAYAN, Advocate, SR.No.71206.

W.P(MD)No.4994 of 2014

07.08.2017