

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9931 of 2018

Ambattur Industrial Estate
Manufacturers Association
rep.by its General Secretary
ATC Road, Ambattur Industrial Estate
Ambattur
Chennai 600 058 .. Petitioner

-vs-

1. The Chairman and Managing Director
Tamil Nadu Small Industries Development
Corporation Ltd.,
SIDCO Corporation Office
Guindy, Chennai 600 032
2. The Estate Manager
Administrative Office Block
Tamil Nadu Small Industries Development
Corporation, Industrial Estate
Ambattur, Chennai 600 058
3. Tmt.V.Kasthuri ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first and second respondents to restrain the third respondent from establishing or running food stalls in the Industrial Estate in Plot Nos.90A and 90B (SP) situated in Third Main Road, Ambattur Industrial Estate, Ambattur, Chennai 600 058, which was allotted by the first respondent for industrial purpose.

For Petitioner :: Mr.R.Saravanakumar

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2

ORDER

This writ petition has been filed seeking a mandamus directing the first and second respondents to restrain the third respondent from establishing or running food stalls in the

Industrial Estate in Plot Nos.90A and 90B (SP) situated in Third Main Road, Ambattur Industrial Estate, Ambattur, Chennai, which was allotted by the first respondent for industrial purpose.

2. The petitioner, claiming to be an Association with an objective inter alia to protect and promote the industries engaged mainly in the fabrication and manufacturing of various goods, has come to this Court with the above prayer. In support of the prayer, the learned counsel for the petitioner pleaded that when the industrial estate in Ambattur was created by the Tamil Nadu Small Industries Development Corporation Limited, the first respondent herein, which is a Government undertaking, with a specific object of promoting and developing the small scale industries in several parts of Tamil Nadu including Ambattur, the first respondent has also allotted industrial plots to various companies for running the industries. While so, during the year 2004, with a view to improve the facilities in the SIDCO industrial estate located in Ambattur, Thirumudivakkam and Thirumazhisai, a company called Chennai Auto Ancillary Industrial Infrastructure Upgradation Company was formed for upgrading the infrastructure of the industrial estate. The respondents 1 & 2 authorised the said company to implement the upgradation of the industrial estate and to undertake the operation and maintenance of the same. The first respondent, while making allotment of the industrial plots, imposed various conditions that the allottee shall utilise the plot only for industrial purpose and if there is any change in the industrial activity, such allottee was required to get an NOC from the respondents 1 & 2. That shows that the industrial plots are conveyed to other parties. Such conveyance also requires NOC from the respondents 1 & 2 and the said NOC is also given that the transferee of the industrial plot shall utilise the same only for industrial activity and not for any other purpose.

3. When the matter stands as above, Plot Nos.90A and 90B (SP) allotted to M/s Cauvery Flush Doors was transferred to M/s Sai Packers and thereafter to M/s B.S.R.Builders, Engineers and Contractors. Now the said plots have gone to the hands of the third respondent with the consent of the first respondent vide letter dated 18.1.2008 subject to the condition that the transferee shall utilize the plots for industrial activity or establishment of IT park/Information Technology enabled services, specifically mentioning therein that the transferee shall get the clearance from the statutory authorities and for construction, if any, prior approval shall be obtained from the first respondent. Now the third respondent has started the preparation of work for establishing and running food stalls, which is in total violation of the terms of allotment of the industrial plots. After coming to know that the second respondent has issued a letter on 27.12.2017 stating that the third respondent shall not put up any permanent or semi-

permanent structure in the industrial plots, the petitioner has been advised to approach this Court seeking a direction to the respondents 1 & 2 to stop the activities other than the industrial activity including establishing or running food stalls by the third respondent in Plot Nos.90A and 90B (SP) situated at the Third Main Road, Ambattur.

4. First of all, the writ petition has to be dismissed, since the petitioner has not complied with the mandatory condition to approach this Court, for not giving any representation to the respondents 1 & 2 raising its voice with regard to the objection for running the food stall in the industrial area by the third respondent. Secondly, the petitioner has neither mentioned in the affidavit filed in support of the writ petition that the petitioner at any point of time approached the respondents 1 & 2 with any objection against the third respondent for establishing or opening the food stall in the industrial plots at Ambattur nor enclosed any such representation in the present writ petition. Thirdly, the grievance of the petitioner that only commercial activity alone should be established in the Ambattur industrial area and no permission should be given to anyone to run or establish coffee shop or restaurant is highly unacceptable. When the Ambattur Industrial Estate is one of the notified industrial zones, it is highly unjustified on the part of the petitioner to raise any objection not to have any coffee shop or any restaurant. When the officers, staff, workers visiting various industrial units and working therein are entitled to have refreshment including coffee, tea etc., they cannot go outside the Ambattur industrial estate to consume the same. When the respondents 1 & 2 are the best judge to decide whether any restaurant should be established in the Ambattur industrial estate, it is for them to decide and no Court can interfere with the same. Moreover, when even in moving high speed trains or aircraft we have mobile restaurants, I do not know how the petitioner can raise any objection for establishing a restaurant in a big industrial estate like Ambattur. For all these reasons, this Court is not inclined to appreciate the prayer made by the petitioner. Accordingly, the writ petition is dismissed. Consequently, W.M.P.Nos.11863 & 11864 of 2018 are also dismissed. No costs.

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Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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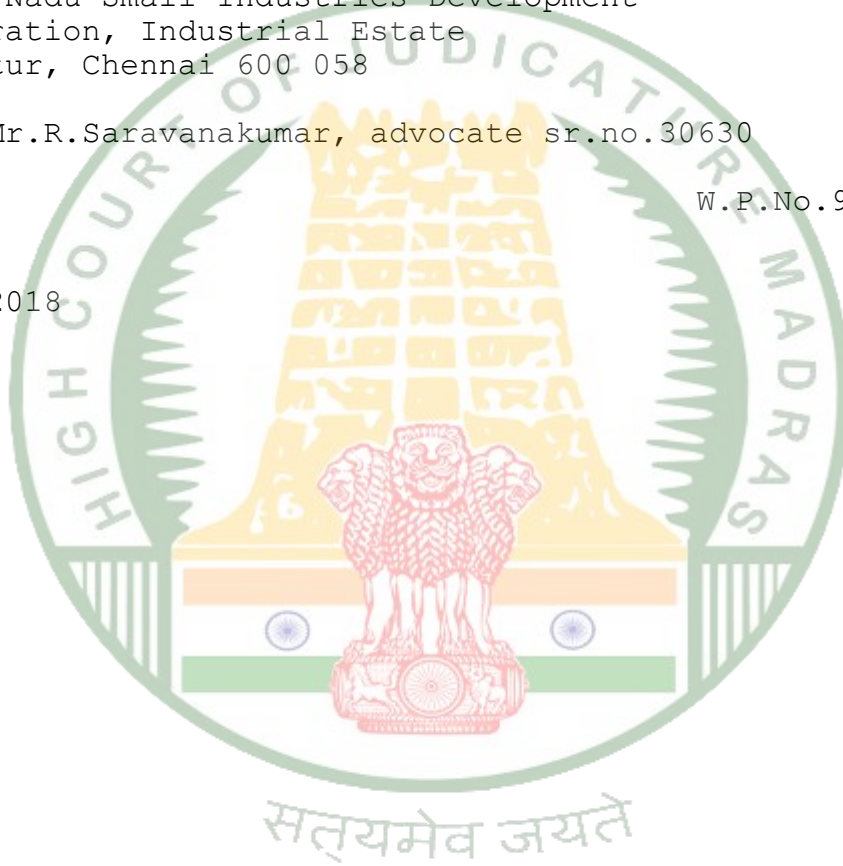
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+1cc to Mr.R.Saravanakumar, advocate sr.no.30630

W.P.No.9931 of 2018

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nr 08/05/2018



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