

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33818 of 2007

And

M.P.No.2 of 2007

M/s.Victory Chemicals Private Limited
Rep. by its managing Director ... Petitioner

Vs.

The State Industries Promotion Corporation
of Tamil Nadu rep. by its
General Manager
19A, Rukmani Lakshmipathy Road,
P.B.No.7223, Egmore,
Chennai - 600 008. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records comprised in proceedings No.D-II/14/VC/Cud/90/07 on the file of the respondent dated 28.8.2007 and to quash the same and consequently forbear the respondent from insisting upon the petitioner to pay the additional land cost without following due process of law for issuing no objection certificate to avail financial assistance or in granting permission required under clauses 19 and 25 of the lease deed dated 1.11.1991.

For Petitioner : Mr.R.Krishnamurthy
Senior Counsel
for Mr.V.B.Perumalraj

For Respondent : Mrs.Sudharshana Sundar

ORDER

The petitioner has filed this petition seeking issuance of Writ of Certiorarified Mandamus calling for the records comprised in proceedings No.D-II/14/VC/Cud/90/07 on the file of the respondent dated 28.08.2007 and to quash the same and to consequently forbear the respondent from insisting upon the petitioner to pay the additional land cost without following due process of law for issuing no objection certificate to avail financial assistance or in granting permission required under clauses 19 and 25 of the lease deed dated 01.11.1991.

2.The case of the petitioner is that the respondent by virtue of a registered lease deed dated 01.11.1991 leased out plot No.A-14/C measuring an extent of 2 acres 16 cents for 99 years in favour of the petitioner. The petitioner has been availing working capital financial assistance with the State Bank of India, Sivakasi Branch. While so, the petitioner vide letter dated 19.10.2006, approached the respondent for no objection certificate to avail financial assistance with the same bank for an enhanced working capital limit of Rs.6.05 Crores, for which, the respondent vide reply dated 19.02.2007 directed the petitioner to pay a sum of Rs.26,31,595/- towards additional land cost as a pre-condition to consider the request for issue of no objection certificate as also to accord permission to change in the Management. The petitioner objected the same. Thereafter, the respondent vide the impugned proceedings dated 28.08.2007 directed the petitioner to pay a sum of Rs.26,46,000/- towards the differential land cost within 30 days under threat of penal action and for considering no objection certificate to avail financial assistance. Challenging the same, the petitioner has filed this writ petition.

3.The writ petition is of the year 2007. After a lapse of nearly eleven years, I do not find anything would survive for adjudication in this writ petition because the purpose of the petitioner for approaching the respondent itself may not survive.

4.The writ petition is accordingly closed with liberty to the petitioner to challenge the further cause of action, if any, arose, in the manner known to law. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

The General Manager, State Industries Promotion Corporation
of Tamil Nadu 19A, Rukmani Lakshmipathy Road,
P.B.No.7223, Egmore, Chennai - 600 008.

+ 1 cc to Mr. V.B. Perumal Raj, Advocate Sr.51518

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PA(CO)

EU(29/08/2018)