

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.15715 of 2012

and

W.M.P.No.2 of 2015

M/s. Scrips 'n' Scroll India Private Limited,
having its registered office at 38, Curley Street,
Richmond Town,
Bangalore - 560 025.
Rep. by its General Manager,
Mr. Suria Prakash

...Petitioner

Versus

1. Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Industries Department,
Fort St.George, Chennai - 9.
2. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamilnadu Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. Special Tahsildar,
SIPCOT (Land Acquisition)
Hosur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records and to quash G.O.Ms.No.27, Industries (MIG2) dated 02.02.2012 on the file of the first respondent and consequently forbear the respondents from taking possession of the property of the petitioner admeasuring an extent of 4.04.5 Hectares in Survey No.127/1 in Mornapalli Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Ms. S. Indumathi Ravi

For Respondents : Mr. E. Neelakandan,
Government Advocate

O R D E R

Ms. S. Indumathi Ravi, the learned counsel for the petitioner submitted that the fourth respondent has played a fraud in an out of Court settlement. Since that fraud provides a change of circumstances, the petitioner's counsel made a statement that the petitioner is withdrawing the petition to facilitate the process of negotiated settlement. The learned counsel for the petitioner also made a prayer that the petitioner's right to move this Court on the basis of any fresh cause of action that may arise on the eventuality of the settlement failing, may be preserved. She also made a necessary endorsement to that effect in the petition.

2. Accordingly, this Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petition is closed.

Mrr

30.01.2018

For Being Mentioned

This Petition is listed to day under the caption "For Being Mentioned" in pursuant for the Order this Court dated 30/01/2018 and made herein in the presence of the aforesaid counsels, this Court made the following Order:-

At the instance of the learned counsel for the petitioner, the matter is listed today under the caption "for being mentioned".

2. The learned counsel for the petitioner submitted that the petitioner is withdrawing this petition to facilitate the process of negotiated settlement which also includes considering the offer made by the respondent about allotment of an alternate site. The learned counsel also informed the Court that an endorsement has also been made only along the said lines.

3. On going through the endorsement made on 30.01.2018, this Court finds that the order of this Court dated 30.01.2018 appears to carry an inadvertent error. Hence, the first paragraph at page No.2 of the order dated 30.01.2018 may be replaced in the manner indicated below :

"Mrs.S.Indumathi Ravi, the learned counsel submits that the petitioner may be permitted to withdraw the present petition to facilitate the process of negotiated settlement which also includes

considering the offer made by the respondents about allotment of alternate site. An endorsement to this order has also been made and the petitioner is accordingly granted leave to withdraw the present petition. It will be no bar to the petitioner to file a fresh petition on the basis of any fresh cause of action that may arise on the eventuality of the settlement talks failing. "

4. Registry is directed to carry out necessary corrections in the order dated 30.01.2018 in W.P.No.15715 of 2012, and issue fresh order copy to the learned counsel for the petitioner.

Ds

06/03/2018

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Industries Department,
Fort St.George, Chennai - 9.
2. The Chairman and Managing Director,
State Industries Promotion Corporation of Tamilnadu Ltd.,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 008.
3. The District Collector,
Krishnagiri District,
Krishnagiri.
4. The Special Tahsildar,
SIPCOT (Land Acquisition)
Hosur.

+2cc to Mr.S.Indhumadhiravi, Advocate SR.No.17195

+1cc to Government Pleader SR.No.7448

W.P.No.15715 of 2012

KJI (CO)
GN(08/03/2018)