

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2019

CORAM

THE HONOURABLE DR. JUSTICE VINEET KOTHARI
and
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A. No.471 of 2019
and
CMP Nos.4159 and 4160 of 2019

Alps Industries Limited,
Plot No.B-160 and B-161, PIPDIC Industrial Estate,
Mettupalayam, Puducherry 605 009.
Rep. by its Company Secretary
Ajay Gupta. ..Appellant

Vs

The Pondicherry Industrial Promotion
Development and Investment Corporation Limited (PIPDIC)
rep. by its General Manager (Development),
No.60, Romain Roland Street,
Puducherry 605 001. ..Respondent

PRAYER: Appeal is filed under Clause 15 of Letters Patent Act, to set aside the order dated 22.11.2018 passed by the learned Judge in W.P.No.17603 of 2018.

Prayer in W.P.No.17603 of 2018: Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for records pertaining to the order of the respondent vide No.F31-08/10-11/Dev/795-IV/1140, dated 27.06.2018 cancelling the lease of the allotted plots B-160 and B-161 at Mettupalayam Industrial Estate, Puducherry, and quash the same, as illegal and without jurisdiction and to direct the respondent to desal the factory premises bearing Plot No.B-160 and B-161, PIPDIC Industrial Estate, Mettupalayam, Puducherry-605 009.

For Appellant : Mr.Amizhdhu

For Respondents : Mr.D.Ravichander

JUDGMENT

[Judgment of the Court was delivered by DR.VINEET KOTHARI, J.]

This Appeal is filed by the appellant, Alps Industries Limited against the Respondent, The Pondicherry Industrial Promotion Development and Investment Corporation Limited (PIPDIC).

2. The petitioner directed against the cancellation of the lease of the petitioner's industrial land on account of non carrying of manufacture for a period of eight years and the said cancellation of the lease was challenged before the Writ Court. The learned Single Judge dismissed the writ petition assigning the following reasons at paragraph No.17, which is quoted below:

"17.In the absence of any industrial activities happening in the plot allotted to the petitioner, having not utilised more than eight years, the petitioner does not deserve any sympathy and the respondent is entitled to gain re-possession of the same. Mere payment of maintenance charges alone would not absolve the liability of any utilisation of the plot by the petitioner Company. It is also relevant to mention that the petitioner had availed a loan to the tune more than 17 hundred crores of rupees, which are still outstanding. The assets of the Company are also lying with the Asset Reconstruction Company. Thus, the financial hardship faced by the petitioner are irretrievable and expecting them to recommence its operation in its Puducherry Units is far fetched. The respondent, being the Corporation, in developing and promoting industrial units, has to recover the plot from the petitioner and allot it to the productive entrepreneurs, who are waiting in their queue for their chance. Thus, permitting the petitioner to continue in their premises would not only incur loss to the respondent but also would hamper the interest of any prospective industry. Thus, in the absence of any merits in the case of the petitioner, the Writ Petition fails..."

3. Learned counsel for the Respondent (PIPDIC) Mr.D.Ravichander, submitted before us that after the cancellation of lease was challenged by the petitioner/appellant, the land in question was allotted to a third party, M/s.The Madras Pharmaceuticals and therefore, the present writ appeal has become infructuous. Learned counsel for

the appellant/petitioner was unable to controvert the submission.

4. Accordingly, we do not find force in the writ appeal and the same has been rendered as infructuous, in view of the aforesaid development, as submitted by the learned counsel for the respondent. However, the dismissal of this writ appeal as infructuous will not disentitle the appellant/petitioner to apply for allotment of another industrial land as a fresh applicant.

5. With the above observation, the Writ Appeal is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Pondicherry Industrial Promotion
Development and Investment Corporation Limited (PIPDIC)
rep. by its General Manager (Development),
No.60, Romain Roland Street,
Puducherry 605 001.

+1 cc to Mr.D.Ravichander, Advocate, S.R.No.49262

W.A.No.471 of 2019

PP (CO)
SSM(24/07/2019)

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