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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :10.06.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.37797 of 2005
and
WPMP.No.40457 of 2005

M/s. Reunion Electrical,
Manufacturers Pvt. Ltd.,
Plot No.34, SIPCOT Industrial Complex,
Hosur -635 126,
Tamil Nadu.

..Petitioner

vs

1. Zuzuvadi Panchayat,
Zuzuvadi, SIPCOT,
Hosur-635 126
represented by its President.

2. State Industries Promotion Corporation of Tamil Nadu,
No.19-A, Rukmani Lakshmipathy Road,
Chennai.

3. Sri Devi Photocoating
No.16 Maruti Nagar, Zuzuvadi,
Sipcot, Hosur 635 126,
Mr H Sreedhara, Chief Executive & Vice President

4. Mr. H. Sreedharan,
President,
Zuzuvadi Panchayat
Zuzuvadi,
SIPCOT, Hosur635 126.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records connected with the letter dated 3.10.2005, issued by the 1st respondent and quash the same and direct the 1st respondent to desist from putting up a drainage in the property of the petitioner, situated in the Plot No.134, SIPCOT Industrial Estate, Hosur and remove the same.

For Petitioner : Mr. T.S. Akash
for T.S. Gopalan and Co.



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For Respondents : Mrs. Bhuvavaneshwari,
AGP for R1 and R4
Mr. Rameshvenkatachalapathy for R2

O R D E R

The petitioner while challenging the letter dated 3.10.2005 issued by the 1st respondent prays to restrain the 1st respondent in any manner putting up a drainage in the property of the petitioner, situated in the SIPCOT Industrial Estate, Hosur.

2. The petitioner company is engaged in the manufacture of electrical goods, switchgear panels, controls desks, bus ducts, etc. and the petitioner having its Registered Office at Old Atlas Mill Compound, Reay Road, Mumbai. Due to the favourable Industrialization Policy of the Government of Tamil Nadu, the petitioner has decided to put up a factory in Tamil Nadu and in that process, when the 2nd respondent Company came up for Auction of a plot, the petitioner Company had taken the same on lease from the 2nd respondent vide lease deed dated 28.03.1995. After the lease, the petitioner has been in peaceful and uninterrupted possession in the said plot from the date of lease.

3. The second respondent/Sate Industries Promotion Corporation of Tamil Nadu has been promoted by the Government of Tamil Nadu and incorporated as a Company under the Companies Act, 1956.

4. The plot which was allotted to the petitioner by the second respondent is a corner plot of the industrial estate and the property adjoining the petitioner is owned by the individuals. The western side of the petitioner's property is owned by the 3rd respondent and there is a compound wall running all around the property of the petitioner which has been there from the time the petitioner took possession of the property. Adjacent to the compound wall and in the property belonging to the 3rd respondent, there is a drainage which has been in existence for many years. The said drainage carries not only sewage water but also acts as a storm water drain. This drain is fed not only by a drain that runs along the south side, on the outside of the compound wall of the petitioners but also from a drain from the western side also. While thing being so, in the end of September 2005, the petitioner was shocked to see some unauthorised persons in the property of the petitioner, they having gained entry through an opening made on the southern corner in the compound wall and on enquiry, the officials of the petitioner Company were informed that the first respondent had



given them permission to build a drainage in the property owned by the petitioner and the existing drain in the adjoining property was to be covered up. Immediately, the petitioner contacted the first respondent, who gave evasive replies and has not stated under what authority the construction was being done. On further verification, the petitioner has been made to understand that it has been on the personal efforts of the 4th respondent/the President of the Village Panchayat that the drainage was being built. On further verification, the petitioner came to know, that the 4th respondent is the son of the owner of the 3rd respondent. Only for the purpose of closing the drainage that had been in existence for many years running through the property of the 3rd respondent, in order to reclaim the land used as a drain, the drainage in question was constructed in the petitioner's property and as against this illegal action of the 4th respondent, the present Writ Petition is filed.

5. Learned counsel for the petitioner would submit that the 4th respondent had constructed drainage in the name of public cause in the property of the petitioner without authority and with ulterior motive.

6. Learned Additional Government Pleader appearing for the State would submit that the 1st and 4th respondents have no intention to construct the drainage system in the petitioner's property and as on date no drainage was constructed in the petitioner's property.

7. The petitioner approached this Court with a prayer to restrain the 1st and 4th respondent not to construct drainage system in the property owned by the petitioner. It is settled law that no local authority or public authority can construct drainage or get the right of any construction in the property owned by the individuals, unless the said property is conveyed by way of a gift or acquired for the welfare of the State. Hence, the impugned notice issued by the 1st respondent is set aside and the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrn



To

1.The Zuzuvadi Panchayat,
Zuzuvadi, SIPCOT,
Hosur-635 126
represented by its President.

2. The State Industries Promotion Corporation of Tamil Nadu,
No.19-A, Rukmani Lakshmipathy Road,
Chennai.

3.The Government Pleader,
High Court, Madras.

+1cc to M/s.T.S.Gopalan & Co, Advocate sr.46059
+1cc to M/s.Ramesh Venkatachalapathy, Advocate sr.46665
+1cc to M/s.K.Bhuvaneswari, Advocate sr.47461

W.P.No.37797 of 2005
and
WPMP.No.40457 of 2005

rr(co)
nr 13/08/2019