

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.11260 of 2019

- 1 New Kenilworth Hotel Pvt. Ltd
rep.by its compliance officer 1 and 2
Little Russel Street Kolkata 700 071.
- 2 New Kenilworth Hotel
(Coimbatore) Pvt. Ltd 1 and 2 Little
Russel Street Kolkata - 700 071. Petitioners

Vs.

- 1 The Secretary to Government
Rural Development and Panchayat Raj Dept.,
Fort St.George Chennai-600 009.
- 2 The Managing Director
Tamilnadu Corporation for Development of
Women Ltd., Annai Teresa Mahavir Valagam,
1st Floor, Valluvar Kottam High Road,
Nungambakkam Chennai-600 034. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, Directing the respondents to grant the in-Principle approval and consequently directing the respondents to issue the No Objection Certificate for transfer of the project from the 1st petitioner to the 2nd petitioner.

For Petitioner : Mr.P.S.Raman, Senior Counsel
for M/s.P.R.Gopinathan

For Respondent No.1 : Mr.V.Shanmugasundar

For Respondent No.2 : Mr.Jayaprakash Narayanan

O R D E R

According to the petitioners, first petitioner was granted a lease of five acres of land for a period of 33 years, by way of registered lease deed, dated 5.10.1994 executed by the second respondent in favour of the first petitioner for

construction of hotel. The first petitioner made representation, dated 26.2.2018 to the second respondent stating that they have initiated the process of demerger and transfer of the aforesaid leasehold premises in favour of the second petitioner and they have also filed an application with the National Company Law Tribunal, Kolkatta under Section 230 of the Companies Act, in C.A.No.569/KB/2017 and therefore, requested the second respondent to issue 'No Objection' for transfer of the project to new company, viz., the second petitioner herein. Since no order has been passed by the second respondent, the petitioners have filed the present writ petition.

2. According to the learned Senior counsel appearing for the petitioners, subsequent to the representation made by the petitioners on 26.2.2018, they have also sent reminder to the second respondent on 1.9.2018. Despite the same, no order has been passed by the second respondent.

3. Considering the limited scope of prayer sought for, without expressing any opinion on merit, this Court is inclined to direct the second respondent to consider the representation of the petitioners, dated 26.2.2018 on merit and in accordance with law, as early as possible preferably within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above direction. No costs.

Sd/-

Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

vaan
To

1 The Secretary to Government
Rural Development and Panchayat Raj Dept.,
Fort St.George Chennai-600 009.

+1 cc to Mr.V.Jayaprakash Narayanan, Advocate, S.R.No.42383

+4 ccs to Mr.P.R.Gopinathan, Advocate, S.R.No.42276

+1 cc to the Government Pleader, S.R.No.43247

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RSI (CO)
SSM(14/06/2019)