

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:01.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

Writ Petition Nos.27807 and 22947 of 2019
and
W.M.P.Nos.27352 and 27354 of 2019
and
W.M.P.Nos.22589 and 22590 of 2019

M/s Arvind Hotels
Represented by its Proprietor,
M.P.A.Mahalingam,
S/o K.Muthusamy,
Plot No.J-1, SIPCOT Industrial Growth Centre,
Perundurai,
Erode District 638 052. .. Petitioner in
both cases

/versus/

1.The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited,
No.19A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai 600 008.

2.M/s Cheran Fuels,
Represented by its Partner,
S.K.Ravichandran,
No.15A, Erode Road,
Perundurai 638 052,
Erode District.

3.M/s Cheran Hotels,
Represented by its Partner,
P.N.Kamalakannan,
No.15A, Erode Road,
Perundurai 638 052,
Erode District.

.. Respondents in
W.P.No.27807 of 2019

1.The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited,
No.19A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai 600 008.

2.M/s Cheran Fuels,
No.15A, Erode Road,
Perundurai 638 052,
Erode District.

.. Respondents in
W.P.No.22947 of 2019

Prayer in W.P.No.27807 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned resolution dated 11.06.2019 as passed by the Allotment Committee of the 1st respondent pertaining to Serial No.5 in allotting 7.24 acres of land in Survey No.396 in favour of 3rd respondent and quash the same, consequently direct the 1st respondent to issue allotment order in favour of the petitioner company in respect of the land in Plot No.P2 situate at SIPCOT Growth Centre, Perundurai, Erode District forthwith.

Prayer in W.P.No.22947 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 21.06.2019 made in Reference No.D1/SIGC-P/Cheran Fuels/2019 passed by the 1st respondent and to quash the same, consequently direct the 1st respondent to issue allotment order in favour of the petitioner company in respect of the land to an extent of 3 acres located at SIPCOT Growth Centre, Perundurai, Erode District forthwith.

For Petitioner :Mr.S.Ayyadurai, Sr.C.
For Mr.C.S.Saravanan
(in both cases)

For Respondents :Mr.P.H.Arvind Panchiyan, AAG
Asst.by
Mr.Ramesh Venkatachalapathy,
St.C.(SIPCOT) for R1

Mr.D.Venkateswaran, for R2

No appearance for R3
(in W.P.No.27807 of 2019)

For Respondents:Mr.P.H.Arvind Panchiyan, AAG
Asst.by
Mr.Ramesh Venkatachalapathy,
St.C.(SIPCOT) for R1
Mr.D.Venkateswaran, for R2
(in W.P.No.22947 of 2019)

COMMON ORDER

The petitioner herein aggrieved by the non-allotment of plot in SIPCOT, Perundurai has preferred these two writ petitions.

2. According to the petitioner, as early as 2014, he made a request to the concerned authorities to allot a plot to establish a Hotel in 2 acres of land within the SIPCOT premises. There was a positive indication from the 1st respondent that the land will be allotted to him. However, contrary to the expectation the said land was allotted to the 2nd respondent to establish a petroleum outlet. Hence, aggrieved by that, the petitioner has preferred W.P.No.22947 of 2019.

3. Further, the grievance of the petitioner is that while his request to establish the hotel in two acres of land was deprived, at the same time, the third respondent in W.P.No.27807 of 2019 was allotted nearly 7 acres of land for establishing 5 Star Hotel in Non-processing Zone, which is totally in contraversion to the Act. Terming the act of the respondent has a colourable exercise of power to deprive the legitimate expectation of the petitioner and to show undue favour to the private respondents, they have allotted nearly 10 acres of land to them. One to establish 5 Star Hotel in an extent of 7.24 acres and another to establish the petroleum outlet nearby the land allotted for the hotel in an extent of 2.65 acres of land.

4. After notice, the learned standing counsel appearing for the SIPCOT/1st respondent and the counsel appearing for the 2nd respondent would report to this Court that the allotment order issued in favour of M/s Cheran Fuels, (2.65 acres) to establish petroleum out let, which is the subject matter of W.P.No.22947/2019 and 7.24 acres of land allotted to M/s Cheran Hotels, which is the subject matter of W.P.No.27807 of 2019, now

stands cancelled and SIPCOT has decided to do fresh public auction inviting tender from the prospective parties and allot the land in accordance with the tender procedure and law governing.

5. Recording the same, these writ petitions are disposed of with liberty to the petitioner as well as respondents 2 and 3 to participate in the tender. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (Inspcell)

/true copy/

Sub Asst. Registrar

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To:

1.The Managing Director,
State Industries Promotion Corporation
of Tamil Nadu Limited,
No.19A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai 600 008.

+2 cc to Mr.Ramesh Venkatachalapathy Advocate sr85019

+2 ccs to M/s.C.Prabakaran Advocate sr84633,84634

+1 cc to M/s.S.D.Venkateswaran Advocate sr4186

W.P.Nos.27807 and 22947 of 2019

rk(co)
aa14/10/2019

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