



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.6807 of 2019

South Ganga Water Technologies (P) Ltd
A, 5th Floor, Gokul Arcade - East Wing
No. 2 & 2A, Sardar Patel Road, Adayar
Chennai - 600 020

..Petitioner

Versus

1. Union of India
rep. by the Deputy Secretary to the Government
Ministry of Industry and Commerce
Department of Industrial Policy and Promotion
(Salt Section)
Udhyog Bhawan
New Delhi - 110 011
2. Salt Commissioner
Lavan Bhawan
No.2-A, Lavan Marg
Jhafana Doongri
Jaipur - 302 004
3. Deputy Salt Commissioner
26, Haddows Road
Shastri Bhavan, Chennai - 600 006
4. Assistant Salt Commissioner
No.80, George Road
Tuticorin - 628 001
5. Superintendent of Salt
Tuticorin Circle
No.80, George Road
Tuticorin - 628 001
6. Salt Factory Officer/Inspector of Salt
Salt Factory
Arasady (Sevendakulam)
Tuticorin



7. Tahsildar
Taluk Office
Ottapidaram Taluk
Tuticorin - 628 401

8. District Revenue Officer
District Collector Office
National Highway 7A
PSP Nagar, Karampallam
Tuticorin - 628 101

9. State of Tamil Nadu
represented by Additional Chief Secretary
Revenue and Disaster Management Department
Ezhilagam Building
Chepauk, Chennai - 600 005

(Respondents 7 to 9 were impleaded as per order
dated 14.06.2019 passed in WMP No. 9459
of 2019 in WP No. 6807 of 2019)

..Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to impugned order in C. No. 12029/1/Misc./P/2013/67 passed by the third respondent dated 03.01.2019 and quashing the same and directing the third respondent to refund a sum of Rs.1,01,625/- received from the petitioner as lease rentals under the lease agreement dated 30.01.2014.

For Petitioner : Mr. Anirudh Krishnan

For Respondents : Mr. K. Ramamoorthy
Central Government Counsel
for RR1 to 6

Mr. G. Krishnaraja
Government Advocate for RR7 to 9

ORDER

The petitioner calls in question the order dated 03.01.2019 passed by the third respondent, in and by which, the third respondent called upon the petitioner to vacate the land occupied by the petitioner in Survey numbers 163, 170, 171, 176, 177, 188, 189 and 190 of Keela Arasady Village and Survey Nos. 337, 342, 343 and 344 of Pudur Pandiyapuram Village immediately and to handover vacant possession thereof after removing the water pipe lines laid by them.



2. The petitioner is a company involved in the business of supply of water from its sea water desalination plant to the pumping stations of various companies through underground pipelines. The petitioner has been carrying on such business after approval from multiple authorities such as Panchayat Board, District Collector of the Village, Tamil Nadu Maritime Board etc., for the purpose of laying water pipelines beneath the ground. Such permission and/or lease has been granted in favour of the petitioner for a longer period ranging from 20 years to 30 years by various authorities. While so, the third respondent has passed the order dated 03.01.2019 refusing to renew the permission and/or lease granted to the petitioner by referring to an order dated 11.07.2016 of the first respondent. Aggrieved by the order the petitioner is before this Court with this writ petition.

3. Pending writ petition, this Court granted an order of status quo on 08.03.2019 and the petitioner has been continuing his business uninterrupted.

4. It is submitted by the learned counsel for the petitioner that during the pendency of this writ petition, the third respondent by a letter dated 20.12.2019 intimated the petitioner that the Government of India has taken a policy decision to accord approval to operate the 200 mm dia HDPE water pipelines that were laid along with Salt Pan Road for about 2.5 kilometers. It was also stated that permission will be granted to the petitioner for a period of three years from 23.01.2017 to 22.01.2020 upon payment of Rs.34,260/- per annum.

5. The learned counsel for the petitioner placed reliance on an additional affidavit dated 31st October 2020 filed by the petitioner to the effect In Para No.7 of the additional affidavit, the petitioner has stated that without prejudice to the contentions raised by the petitioner in this writ petition, the petitioner is ready and willing to make the payment of the requested dues/licence fee for the period between 23.01.2017 to 22.01.2020 in the event of the third respondent agreeing to extend the period of licence from 23.01.2020 to 22.01.2023. In the event of the third respondent accepts the request of the petitioner for extension of the licence period for a further three years from 23.01.2020 to 22.01.2023, the petitioner is willing to withdraw this writ petition.

6. The learned Central Government Standing counsel, appearing for the respondents 1 to 6 submitted that if the petitioner complies with the payment schedule for the period of extension of licence, the third respondent would grant permission to the petitioner for the period from 23.01.2020 to 22.01.2023.



7. In the light of the aforesaid submission of the counsel for both sides, no further order is required to be passed in this writ petition. Recording the submission of the counsel for the petitioner as well as the learned Central Government Standing counsel appearing for the respondents 1 to 6 and the additional affidavit dated 31.10.2020 filed on behalf of the petitioner, this writ petition is disposed of. No costs. Consequently, connected WMP No. 7586 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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rep. by the Deputy Secretary to the Government
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Ezhilagam Building
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+1cc to Mr.Anirudhkrishnan, Advocate, S.R.No.36143

WP No. 6807 of 2019

CA(CO)
RGA(18/08/2021)