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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.07.2021

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.14836 and 14840 of 2021

and

WMP.Nos.15709, 15710, 15711 and 15716 of 2021

CoAction Communication Private Limited
Formerly known as
SDP Telecom (India) Private Limited
Having their office at
Plot No.OZ-11/4,
SIPCOT Industrial Park
Oragadam - 603 003.
Represented by Mr.J.Vijay Kumar
Authorised Signatory

..Petitioner in both the W.P's.

Vs.

State Industries Promotion
Corporation of Tamil Nadu Limited (SIPCOT)
Having their registered office at
No.19A, Rukmani Lakshmipathy Road
Egmore, Chennai - 600 008.

.. Respondent in both the W.P's.

Prayer in W.P.No.14836 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to letter of the respondent dated 19.04.2021 and quash the same and to direct the respondent to grant a period of 8 weeks to remove all the property belonging to the petitioner in the plot morefully mentioned in the schedule.

Prayer in W.P.No.14840 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to letter of the respondent No.P&SP/SEZ.O/SDP/17/2008 dated 02.03.2020 and quash the same.



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In both the W.P's.:

For Petitioner : Mr.C.Manishankar, Senior Counsel
for Mr.Keerthikiran Murali

For Respondent : Mr.M.Karthikeyan

C O M M O N O R D E R

The prayers sought for in these Writ Petitions are

(i) to call for the records pertaining to the letter of the respondent dated 19.04.2021 and quash the same and to direct the respondent to grant a period of 8 weeks to remove all the property belonging to the petitioner in the plot morefully mentioned in the schedule and

(ii) call for the records pertaining to the letter of the respondent No.P&SP/SEZ.O/SDP/17/2008 dated 02.03.2020 and quash the same.

2. When the matters are came up for hearing before this Court on the last occasion, i.e., on 22.07.2021, the learned Senior Counsel appearing on behalf of the petitioner argued the matters elaborately and fairly agreed that the petitioner is not interested to prosecute the entire proceedings further, if the respondent grants sufficient time to vacate the premises. Further he would submit that if the respondent grants time to vacate the premises, then the petitioner will not press the other reliefs, challenging the show cause notice and the cancellation of allotment order. In support of his contention, he undertakes to file an affidavit of undertaking before this Court.

3. Accordingly, the learned Senior Counsel filed an affidavit of undertaking dated 27.07.2021 signed by the petitioner, and stated as follows:

"5.The petitioner contemplates that the entire process of obtaining NOC and NDC from the respondent and the customs department and demolition process would approximately take a period of 6 months.

6.In the event the said process is completed before a period of 6 months, the petitioner



undertakes to surrender peaceful possession of the unit earlier to the respondent.

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7. In the light of the above, the petitioner states that this Hon'ble Court may be pleased to grant a period of 6 months to the petitioner to complete the process of demolition and surrender peaceful possession of the premises to the respondent and pass such or further orders as this Hon'ble Court deems fit in the facts of this case and thus render justice."

4. The learned counsel for the respondent would submit that though the petitioner has sought for a long time to vacate the premises, it is for the Court to consider the same and pass appropriate orders for granting time to the petitioner.

5. Heard both sides.

6. Considering the affidavit of undertaking dated 27.07.2021 and considering the plight of the petitioner that he needs six months time to complete the process of demolition and surrender peaceful possession of the premises, which is reasonable and thereby, this Court grants six months time as sought for by the petitioner.

7. The affidavit of undertaking filed by the petitioner shall form part and parcel of this order. Further, the petitioner shall not seek further extension of time to vacate the premises and hand over the peaceful possession to the respondent.

8. In view of the above direction, the Writ Petitions are disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

// True Copy//

Sub Assistant Registrar

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To:

State Industries Promotion
Corporation of Tamil Nadu Limited (SIPCOT)
Having their registered office at
No.19A, Rukmani Lakshmipathy Road
Egmore, Chennai - 600 008.

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JPL (CO)
SU(18/08/2021)