



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.10447 of 2013

and

M.P. (MD)No.1 of 2013

WEB COPY

V.Lawrence

... Petitioner

vs.

1.The Principal Secretary/
Chairman & Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai - 600 006.

2.Assistant Executive Engineer,
TNEB, Sub Station,
SIPCOT, Pudukottai.

3.The Superintendent Engineer,
Electricity Distribution,
Pudukottai.

... Respondents

***(R2 and R3 are suo moto impleaded by
this Court, vide order, dated 13.12.2021,
in W.P. (MD)No.10447 of 2013)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order, dated 03.05.2013, passed by the respondent cancelling the allotment of Plot.No.1B, allotted to the petitioner at SIPCOT Industrial Complex, Pudukottai, and to quash the same.

For Petitioner : Mr.Sarvabhauman Associates

For R-1 : Mr.N.Adithya Vijayalayan

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorari, to call for the records relating to the impugned order, dated 03.05.2013, passed by the respondent cancelling the allotment of Plot.No.1B, allotted to the petitioner at SIPCOT Industrial Complex, Pudukottai, and to quash the same.

2.This Writ Petitioner is a Proprietor having Construction Company, namely, Jesse Constructions. The brief facts of the case are

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that originally the Plot No.1B was allotted to M/s.F.C.Alloy Steel Private Limited, vide order, dated 09.11.1982. Subsequently, a lease deed dated 12.10.1983 was executed and then term loan was sanctioned by SIPCOT. Due to non-repayment of dues, the assets of the unit were taken over by SIPCOT under Section 29 of State Financial Corporation Acts, on 22.06.1993. Subsequently, as unit became sick on the basis of the directions by Board for Industrial Financial Reconstruction, the Company was wound up and the Official Liquidator took possession over the assets on 24.05.2001.

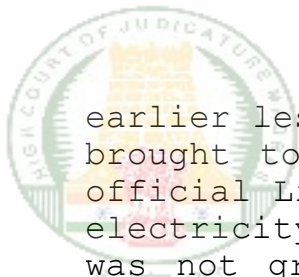
3. Based on the order of the High Court, in Company Petition No.43 of 1995, the Official Liquidator was permitted to sell the plant. The plant was sold to the petitioner herein, for consideration of Rs.18,10,000/- (Rupees Eighteen Lakh and Ten Thousand only) and the same was approved by the High Court on 30.04.2004. The land and the superstructure were approved to the tune of Rs.12,50,000/- (Rupees Twelve Lakh and Fifty Thousand only) and the petitioner has paid the amount. Thereafter, a lease deed was executed in favour of the petitioner on 06.10.2005. However, there was a dispute in stamp duty and the Registration Department demanded deficit stamp duty to the tune of Rs.50,004/- (Rupees Fifty Thousand and Four only) and the deficit charges of Rs.7,505/- (Rupees Seven Thousand Five Hundred and Five only). Because of this the petitioner could not get loans from financial institutions. Finally, the petitioner paid the deficit stamp duty and registration charges on 03.04.2008 and 17.04.2008 respectively.

4. Thereafter, the petitioner applied for H.T. electricity service connection and the same was denied stating that the erstwhile owner has not paid the arrears of electricity charges. This fact was brought to the notice of the official Liquidator and the official Liquidator, vide communication, dated 30.05.2006, has sent a letter to the Assistant Executive Engineer, TNEB, requesting him to grant electricity connection. It is the claim of the petitioner that electricity connection was not given until now.

5. The respondents have filed a counter affidavit, stating that the earlier lessee could not put up any construction within the prescribed time limit, therefore, based on the orders of the Court, this land was allotted to the Writ Petitioner. The petitioner ought to have put up construction on the land but until now he has not complied with the conditions. Therefore, the impugned order dated 03.05.2013, was passed cancelling the allotment. Aggrieved over the same, the present Writ Petition is filed.

6. Heard Mr. Mr. Sarvabhauman, learned Counsel appearing for the petitioner and Mr. N. Adithya Vijayalayan, learned Counsel appearing for the respondent.

7. Both the petitioner and the respondent admit that the land was not granted to the land in question, because the



earlier lessee has not paid the electricity charges and the same was brought to the notice of the official Liquidator and in turn the official Liquidator has directed the Electricity Department to grant electricity connection. But, until now, the electricity connection was not granted. In fact, the Electricity Board was directed to submit their claim before the official Liquidator and the Electricity Board has not submitted any claim petition before the Official Liquidator

8. Therefore, this Court is of the view that unless the Electricity Board is impleaded, this issue cannot be resolved. Therefore, this Court suo moto impleads the Assistant Executive Engineer, TNEB, Sub Station, SIPCOT, Pudukottai and the Superintendent Engineer, Pudukottai Electricity Distribution Circle, Pudukottai, as respondents Nos.2 and 3 respectively. The first respondent is directed to issue notice to both the petitioner as well as the second and third respondents and grant them adequate opportunity. Thereafter, take a decision on this issue. All these exercise shall be carried out within a period of five months from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2022

Sub Assistant Registrar(CS)

Tmg

TO:

1. The Principal Secretary/Chairman & Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
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2. Assistant Executive Engineer,
TNEB, Sub Station, SIPCOT, Pudukottai.

3. The Superintendent Engineer,
Electricity Distribution, Pudukottai.

+1 CC to M/s. SARVABHAUMAN ASSOCIATES, Advocate (SR-38293[F]
dated 13/12/2021)

Order made in
W.P. (MD) No.10447 of 2013
13.12.2021

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<https://hccs.court.gov.in/services> SP 5C