



W.P. No. 17219 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17219 of 2015

and

M.P. Nos. 1 and 2 of 2015

M/s. Bhavam Engineering
Rep. By its Proprietor M.Venuraj
Plot No.15, Old No.65-A
SIDCO Industrial Estate
Ambattur, Chennai – 600 058.

... Petitioner

-VS-

1. The State of Tamilnadu
Rep. By the Secretary to Government
Micro, Small and Medium Industries Department
Fort St. George, Chennai-600 009.
 2. The Managing Director
TANSIDCO
SIDCO Corporate Office Building
Thiru.Vi.Ka.Industrial Estate
Guindy, Chennai – 600 032.
 3. The Estate Manager
TANSIDCO Industrial Estate
Ambattur, Chennai – 600 058.
 4. M/s.Mani Industries
Rep. By its Managing Partner Arumuga Pandian
No.33, Annai Theresa St. Ayapakkam
Chennai – 600 077.
- Respondents

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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Manadamus, Calling for the entire records pertaining to the order passed by the Estate Manager, TANSIDCO Industrial Estate, Ambattur, Chennai-58, the Third Respondent herein vide his proceedings No. RC. No. 3291/A7/86 dated 03.06.2015 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to assign an extent of 8322 square feet of land and A.C. Sheeted Building to an extent of 3000 square feet situated at Plot No.15, Old No.65-A, SIDCO Industrial Estate, Ambattur, Chennai – 600 058 on receiving fair sale consideration as may be fixed by the respondents herein within a time frame fixed by the Court.

For Petitioner : Mr. A.R.Suresh

For Respondents : Mr. J.Arunkumar (For R1)

Mr. M.J.Jaseem Mohamed (For R2 & R3)

R4-Not ready in notice

ORDER

Heard Mr. A.R.Suresh, Learned Counsel for the Petitioner, Mr. J.Arunkumar, Learned Counsel for the First Respondent and Mr. M.J.Jaseem Mohamed, Learned Counsel for the Second and Third Respondents and perused materials placed on record, apart from the pleadings of the parties.



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2. The Second Respondent by Order No. 44533/N2/74 dated 21.08.1974 had allotted Plot No. 65-B of an extent of 0.50 acre of land to one G.Subramanian, Proprietor, M/s. Mani Industries, who had failed to commence construction and pay the entire costs for the land, which led to the cancellation of the allotment made in his favour by Order No. 32026//N2/83 dated 21.06.1984 passed by the Second Respondent. The said G.Subramanian had filed the suit in O.S. No. 1718 of 1997 before the District Munsif Court, Ambattur for permanent injunction restraining the Third Respondent from disturbing his peaceful enjoyment, which was dismissed by judgment and decree dated 28.10.2003. Further, the Writ Petition in W.P. No. 2174 of 2003 filed by the said G.Subramanian to direct the Third Respondent to execute sale deed in his favour, was dismissed as withdrawn by order dated 16.12.2006 passed by the Court.

3. It is the case of the Petitioner that the said G.Subramanian had entered into a Lease Deed dated 25.01.2005 registered as Document No. 183 of 2005 in the office of the Sub-Registrar, Villivakkam granting lease of an extent of 8,322 sq. ft. of land forming part of that plot (which had been allotted by the Second Respondent to him) for a period of two years from 25.01.2005 to 24.01.2007 and he has been paying rent to him. However, the said G.Subramanian died on



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23.08.2006 during the subsistence of the said lease, but the Petitioner continued to be in occupation of the said extent of land where he is said to have made construction for his factory. When the Third Respondent by proceedings in RC. No. 3291/A7/86 dated 03.06.2015 called upon the Petitioner to vacate from the land occupied by him within 15 days, failing which further action would be taken for resuming possession, the Petitioner has filed this Writ Petition challenging the said order and has sought for a direction to the Respondents to assign an extent of 8,322 sq. ft. of land and A.C. sheeted building to an extent of 3,000 sq. ft. constructed therein at Plot No. 15, Old No. 65-A, SIDCO Industrial Estate, Ambattur, Chennai – 600058 on receiving fair sale consideration as may be determined by the Respondent within the time frame that may be stipulated by the Court.

4. At this juncture, it must be recapitulated here that it is trite law that any disposal of public property by the State or its instrumentalities partakes the character of a trust and the methods to be adopted for its disposal must be fair and transparent providing an opportunity to all the interested persons to participate in the process. As such, any decision granting such allotment of the public property to the Petitioner to suit his convenience just because he happens



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to be in occupation of a part of the land as a lessee of the said G.Subramanian, after the cancellation of the allotment in his favour, would be contrary to law and defeat public interest, which cannot be countenanced. It would be evident that neither the Petitioner has any legally enforceable right to claim transfer of the public property by the Second and Third Respondents, nor the Second and Third Respondents have any legal obligation to be compelled to take any decision in favour of the Petitioner for granting the same to him.

5. When the aforesaid legal position was pointed out, Learned Counsel for the Petitioner seeks permission of the Court to withdraw this Writ Petition and he has made an endorsement to that effect. However, Learned Counsel for the Petitioner makes a fervent plea that four months may be granted for the Petitioner to remove the machineries and vacate from the property and an affidavit dated 15.10.2022 has been filed by the Petitioner in that regard. That apart, it has been brought to notice that by an order dated 17.06.2015 in M.P. No. 2 of 2015 in this Writ Petition, the Petitioner was required to deposit a sum of Rs. 5,00,000/- to the credit of the Third Respondent as condition for grant of interim stay of the impugned order, but as the Third Respondent has not received the same, the Petitioner has filed M.P. No. 3 of 2015 to direct the Third Respondent to accept



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the said amount or permit the Petitioner to deposit that amount in this Court.

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6. Having regard to the aforesaid submissions made, if the Petitioner makes payment of the said amount of Rs. 5,00,000/- to the Third Respondent by 23.11.2022, the Second and Third Respondents shall defer the proceedings for eviction of the Petitioner from the property till 31.12.2022 and the aforesaid amount shall be treated as part payment towards damages for unauthorized occupation in terms of Section 7 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1971. It is also made clear that if the Petitioner is otherwise eligible, he shall not be precluded from participating in any tender or auction for future allotment of the said land by the Second and Third Respondents.

In the result, the Writ Petition is dismissed as withdrawn with the clarification that the Second and Third Respondents may take further action for resuming possession of the land in occupation of the Petitioner on the aforesaid terms following the prescribed procedure in accordance with law. Consequently, the connected Miscellaneous Petitions are closed. No costs.

17.10.2022



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Index: Yes/No

Note: Issue order copy by 14.11.2022.

To

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Micro, Small and Medium Industries Department
Fort St. George, Chennai-600 009.
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P.D. AUDIKESAVALU, J.

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