



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.19794 of 2013
and M.P.No.1 of 2013

H.Kothanayakiammal

..Petitioner

Vs.

1.The Managing Director
Tamil Nadu Industrial Development
Corporation Limited (TIDCO)
19A, Rukmani Lakshmipathi Road
Egmore, Chennai-8.

2.The Manager
Larsen and Toubro (L&T)
Ship Building and Mines Port
Kattupalli Village and NCTPS Post
Ponneri Taluk, Chennai-120.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to issue preference permission or lease hold right to the petitioner to draw and supply water from land in Kattupalli Village S.No.15 A,B,C marking portion for Job/Business opportunities.

For Petitioner : Mrs.R.T.Sundari

For R1 : Mr.M.Vijayan
for M/s.King and Partridge

For R2 : Mr.J.James

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the 2nd respondent to issue preference permission or lease hold right to the petitioner to draw and supply water from



the land in Kattupalli Village S.No.15 A,B,C marking portion for job/business opportunities.

2.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the 1st respondent through "Video-conferencing" and the learned counsel for the 2nd respondent, who appeared before this Court physically.

3.According to the petitioner, she is the original owner of S.No.15, Kattupalli Village. The said land was acquired by the 1st respondent in Award No.2 of 2001 dated 31.07.2001 and the same was leased out to the 2nd respondent in the year 2009. The 2nd respondent has 10 cents of land unused and it is kept vacant. The 2nd respondent intends to lease out the said land to third parties for drawing water and supplying water to the 2nd respondent. The learned counsel for the petitioner submitted that at the time of acquisition, the petitioner was promised to provide job/business opportunities. Hence, the petitioner has preferential right to lease out the land for drawing water and supplying water to the 2nd respondent. The petitioner made representation to the 1st respondent on 25.11.2009 to offer the lease hold right to erect bore well and draw water and supply to the 2nd respondent. Since no order was passed, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the respondents 1 and 2 filed separate counter affidavits and denied various averments made by the petitioner and submitted that no preferential right was given to the petitioner. The 2nd respondent in the counter affidavit has stated that there is no provision in the lease agreement between the respondents 1 and 2 for sub-leasing the lands to the third parties. The allegation of the petitioner that 2nd respondent is going to sub-lease the lands to the third parties is not correct. Hence, the petitioner is not entitled to any preferential right or lease hold right from the 2nd respondent and prayed for dismissal of the Writ Petition.

5.Considering the above rival submissions and the materials on record, it is seen that the petitioner is seeking preferential right from the 2nd respondent for drawing water to his land and for supplying water to the 2nd respondent. This claim is made by the petitioner on the ground that she was the original owner of S.No.15, the land was acquired by the 1st respondent in the Award No.2/2001, dated 31.07.2001 and preferential right was given to her. Further, the 2nd respondent is going to lease out the lands to the third parties for drawing water. The learned counsel appearing for the petitioner



has not produced any document to show that preferential right was given to the petitioner at the time of acquisition. Further, as extracted above in the counter affidavit, the 2nd respondent has denied that they have intention of leasing out the lands to the third parties for drawing water. There is no agreement in the lease deed between the respondents 1 and 2 for sub-leasing the lands to the third parties and there is no power to the 2nd respondent to sub-lease the lands to any third parties. In view of the stand taken by the 2nd respondent, the petitioner is not entitled to the relief sought for in the Writ Petition.

6. For the above reasons, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

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To
1. The Managing Director
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+1 CC to Mr. King and Partridge, Advocate sr 11345
+1 CC to Mr. J. James, Advocate sr 11166

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MT (CO)
SP (23/03/2022)