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W.P.No.13344 of 2014

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13344 of 2014

and

M.P.No.1 of 2014

M/s.Powerset Assmeblers
Rep. by its Partner
Mr.Prakash Bhatia
26 and 27, Errabalu Chetty Street,
Chennai – 600 001.

...Petitioner

vs.

1. The Chairman
Pondicherry Industrial Corporation Ltd.,
No.38, Romain Rolland Street,
Puducherry – 605 001.
2. The Officer (DEV) Pipdic Ltd., Puducherry
Pondicherry Industrial Corporation Ltd.,
No.38, Romain Rolland Street,
Puducherry – 605 001.
3. The Officer Works Pipdic Ltd., Puducherry
Pondicherry Industrial Corporation Ltd.,
No.38, Romain Rolland Street,
Puducherry – 605 001.
4. The Village Administrative Officer Puducherry,
Revenue Village Oulgaret Taluk, Puducherry.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in proceeding No.PIPDIC/DEV/213/90/B.1884/5987 dated 16.12.2013 and quash the same and direct the respondent to hand over the possession of both land and building situated at plot B.153 measuring 648 sq.metres and situated at PIPDIC industrial Estate, Mettupalayam with village limit of Mettupalayam Commune panchayat of all oulgaret.

For petitioner : M/s.Shah and Shah

For R1 and R2 : P.Dineshkumar

For R4 : Mr.J.Kumaran
Additional Government Pleader (Puducherry)

ORDER

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the proceedings of the first respondent in No.PIPDIC/DEV/213/90/B.1884/5987 dated 16.12.2013 and direct the respondent to hand over the possession of both land and building situated at plot B.153 measuring 648 sq.mts. situated at PIPDIC industrial Estate, Mettupalayam with village limit of Mettupalayam Commune panchayat of all oulgaret.

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2. The case of the petitioner is that originally the above said property was owned by the first respondent herein and the same was allotted to one M/s.Shreyas Polymer, Proprietrix Concern vide lease deed dated 11.01.1988. Thereafter, the proprietrix of M/s.Shreyas Polymer after obtaining due permission from the first respondent, assigned her allotment in respect of the above said property vide assignment deed dated 14.10.1986 in favour of M/s.Shree Elastromars Pvt.Ltd., who inturn sold the above said land and building in favour of the petitioner vide sale deed dated 14.08.1990. Since the petitioner and his partners were not able to operate the same effectively, the first respondent issued show cause notice. Upon reply to the show cause notice, the first respondent has passed an order dated 16.12.2013, cancelling the lease which was granted in favour of the petitioner. Though, the petitioner requested the first respondent not to proceed as per the order dated 16.12.2013, however, the first respondent passed another order dated 18.12.2013, exercising its right of taking over the movables from the above said premises. Challenging the order dated 16.12.2013 passed by the first respondent, the present writ petition has been



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filed seeking the aforesaid relief.

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3. Learned counsel appearing for the petitioner submits that inspite of his best efforts there was no instructions from the petitioner.

4. The learned counsel appearing for the respondents 1 and 2 submitted that the first respondent had already taken over the possession of the above said property and the same was handed over to another company. Hence, this Court may dismiss the present writ petition with liberty to the petitioner to collect the machinery owned by the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the submission made by learned counsel appearing for the respondents 1 and 2 that the possession was taken and handed over to another company and also taking into consideration of the submission of the learned counsel for the petitioner that he has no instructions, no useful



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purpose would be served in keeping this petition pending. Accordingly, this writ petition is dismissed and it is open to the petitioner to collect the machineries owned by them from the respondents. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

04.11.2022

RAP

Index : Yes/No
Speaking order : Yes/No

To

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M.DHANDAPANI, J.



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