



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.01.2022
CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28463 of 2021

M/s.Hitech Pole
Represented by its Proprietor R.Bhavani,
W/o S.V.Rajarajan,
Having registered office at
A/19, Rural Industrial Estate,
Kattupakkam, Pondicherry.

...Petitioner

vs.

1. The Official Liquidator,
High Court, Madras,
as the Liquidator of
M/s.Rathna Packaging Complex
Private Limited (in liquidation)
No.29, Corporate Bhavan,
2nd Floor, Rajaji Salai,
Chennai - 600 001.

2. The Director,
O/o The Directorate of Industries & Commerce,
Pondicherry.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to receive the arrears and lease out the property at Rural Industrial Estate, Kattupakkam, Bahoor Post, Pondicherry which was earlier leased out to M/s.Ratna Packages Complex Private Limited, within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : Mr.S.Parthasarathy

For Respondents : M/s.G.Mala,
Government Pleader, Pondicherry

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the 2nd respondent to receive the arrears and lease out the property to the petitioner.



2. The case of the petitioner is that, they are manufacturers of High and Mini Mast Lights, Holding Mast, Street Lights, Garden Lights, Road side Dividers etc. Adjacent to their firm, there is a factory named M/s.Ratna Packages Complex Private Limited which was owned and leased out by the 2nd respondent and the said company was not functioning for the past 20 years. Hence, the petitioner approached the 2nd respondent, who in turn, informed the petitioner that, the said company is under liquidation and the issue is pending before this Court. After verifying the same, the petitioner came to know that the said company was wound up as early as on 20.02.1985 and the same was handed over to the 2nd respondent. Thereafter, the petitioner sent a representation dated 27.03.2014 to the 1st respondent explaining the above facts and seeking permission to get lease of the said property, however, there was no reply. Hence, the petitioner sent another representation dated 10.04.2021 to the respondents, however, till date no order was passed on the same. Aggrieved by the inaction of the respondents, the petitioner filed this Writ Petition.

3. The learned counsel for the petitioner submitted that, though the factory adjacent to the petitioner's factory was not functioning for the past 20 years, the 2nd respondent has not considered the petitioner's representation dated 27.03.2014 and 10.04.201, expressing their interest to get lease of the said property on paying arrears of lease amount and the electricity arrears till date. He further submitted that, keeping the said property idle without leasing it out to the petitioner will in no way benefit the 2nd respondent. Hence, he submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's representations and permit her to pay the arrears and get lease of the property within the time stipulated by this Court.

4. The learned counsel appearing for the respondents submitted that, it is discretion of the authority to lease out the above said property to anyone if they want. He further submitted that, procedures are contemplated under the relevant provisions of law relating to leasing out of Public premises and merely at the instance of the petitioner, the said property cannot be leased out to the petitioner. Therefore, it is submitted that it is not possible to lease out the property to the petitioner by mere consideration of their representations. Hence, she prays this Court for dismissal of the Writ petition.

5. Heard the arguments advanced by the learned counsel on either side.



6. In view of the above submissions, though the property is kept idle and not put to use, however, leasing out the same to anyone is not permissible and the public property cannot be leased out in favour of the petitioner without following the rules and regulations for leasing out a public property. However, as the property is kept idle, loss is caused to the exchequer. Therefore, the 2nd respondent may look into the aspect of putting the property to proper use.

7. This Writ petition is accordingly disposed of with the aforesaid observation. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

skt

To:

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2. The Director,
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Pondicherry.

+1 cc to Mr.S.Parthasarathy, Advocate Sr.NO. 1168
+1 cc to Government Pleader Sr.NO. 1254

W.P.No.28463 of 2022

kg(CO)
A.SK(07/03/2022)