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Writ Petition No.5832 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10/10/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.5832 of 2017

a n d

W.M.P.No.6246 of 2017

R.R.Residency
rep. By its Partner
Mr.M.Rathakrishanan

...

Petitioner

Vs

1. The Managing Director
SIPCOT
No.19 A Rukami Lakshmipathy Road
Post Box No.7223, Egmore
Chennai 600 008.
2. The General Manager
SIPCOT
No.19 A Rukami Lakshmipathy Road
Post Box No.7223, Egmore
Chennai 600 008.
3. The Project Officer
SIPCOT
Irungattukottai.

...

Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to grant approval for subleasing the petitioner's premises measuring 12500 sq.ft of built up area comprised in Plot PB-7/1 SIPCOT Industrial Park, Irunkattukottai, without insisting on license fee as fixed under the first respondent's notice dated 27/4/2016.

For petitioner ... Mr.V. Chandraprabu

For respondents ... Mrs.Sudharshana Sunder
Standing Counsel for SIPCOT

ORDER

This writ petition has been filed to direct the respondents to grant approval for subleasing the petitioner's premises measuring 12500 sq.ft of built up area comprised in Plot PB-7/1 SIPCOT Industrial Park, Irunkattukottai, without insisting on license fee as fixed under the first respondent's notice, dated 27/4/2016.



2. The case of the petitioner is that on 27/4/2016, the first respondent has granted approval to the petitioner to sub-lease the commercial plot allotted to them under the lease deed, dated 27/3/2016, on condition of license fee annually. The petitioner has sent a representation to the respondents, stating that there is no provision under the allotment order, dated 7/12/2012 or the lease deed for levying any license fee for the grant of approval for sub leasing of the plot. But the respondent has stated that it is the policy of the SIPCOT Board to levy license fee for grant of approval for sub leasing, though the terms of the allotment order and lease deed are silent on the said aspect. Policy of the Board is claimed to have been formulated, on 14/8/2012. But the same is not reflected either on the Allotment order, dated 7/12/2012 and Lease Deed, dated 27/3/2013. Since the levy is not supported by any provision, the petitioner has come forward with the instant writ petition.

3. Heard Mr.V.Chandra Prabu, learned counsel for the petitioner and Mrs.Sudharshana Sunder, learned Standing Counsel for the respondents.

4. I have perused the entire materials available on record.



5. It is a prevailing policy of the SIPCOT to collect license fee while granting permission for subleasing of the plot. Apart from the payment of licence fee, there were certain other conditions prescribed for the grant of approval for subleasing. While granting approval for subleasing the property by the petitioner, rent has been fixed by the respondent which has been agreed by the petitioner. It is also made clear that as per the Order for allotment of sub lease, they are agreeable to all the terms and conditions fixed by the respondent. It appears that an undertaking has also been given by the petitioner agreeing to pay the rent as fixed by the respondent. Having entered into a contract agreeing to pay certain amount as fixed by the respondent, the petitioner now cannot go back and complain that the rent fixed by the respondent is not reasonable. Once the petitioner agreed to pay the rent fixed by the respondent, he cannot challenge the same merely on the ground that for the subsequent years, rent has been reduced by the respondent. Hence, this Court do not find any merits in this writ petition. However, considering the facts of the case, this Court is inclined to direct the respondents to consider and dispose of the representation of the petitioner would serve the ends of justice.



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6. Accordingly, the respondents are directed to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

mvs.



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N. SATHISH KUMAR, J

mvs.

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