



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.[MD]No.541 of 2022

S.Umadevi

: Petitioner

Vs.

1. The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600 008.

2. The Project Director,
SIPCOT Industrial Park,
Nilakkottai, Dindigul District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the first respondent to accept the demand draft No.805763 dated 31.12.2021 drawn at Bank of Maharashtra for a sum of Rs.18,17,600/- for the allotment of Plot No.C-31 vide Ref.No.PII/SIC-NLK/Sri Karpaga/2021 dated 27.05.2021 by considering his representation dated 31.12.2021 by granting time to pay the amount.

For Petitioner : Mr.S.Anwar Sameem
For Respondents : Mr.N.Adityavijayalayan,
Standing Counsel for SIPCOT.

O R D E R

In the captioned writ petition, Mr.S.Anwar Sameem, learned counsel on record for writ petitioner and Mr.N.Adityavijayalayan, learned Standing Counsel for SIPCOT on behalf of both the respondents are before this virtual Court.

2. Read this in conjunction with and in continuation of earlier proceedings made in previous listings on 12.01.2022 and 31.01.2022 which read as follows:

Proceedings dated 12.01.2022:

'Mr.S.Anwar Sameem, learned counsel for writ petitioner is before this virtual Court.

2. Learned counsel for writ petitioner submits that 'plot No.C-31 in SIPCOT Industrial Complex at Nilakottai' (hereinafter 'said plot' for brevity) is the subject matter of the captioned writ petition. Said plot has been allotted to writ petitioner by SIPCOT. There was some delay in payment, writ petitioner approached



this Court by way of W.P(MD) No.10848 of 2021 and vide order dated 09.07.2021, time for payment was extended till 27.05.2021, but there was further delay, however writ petitioner is now ready with the demand draft. The prayer is to accept the demand draft. The writ petitioner has sent a representation dated 31.12.2021 in this regard to the respondents.

3. As the writ petitioner is ready to tender the demand draft, notice regarding 'ADMISSION' to respondents returnable by 31.01.2022. Private notice is permitted. Learned counsel for writ petitioner is also permitted to serve on Mr.N.Adityavijayalan, learned Standing Counsel for SIPCOT who has represented SIPCOT in the previous proceedings before another Hon'ble Single Judge, this being virtually a spin off qua the earlier judicial order.

4. List on 31.01.2022 in the Admission Board (Motion List).'

Proceedings dated 31.01.2022:

'Read this in conjunction with and in continuation of earlier proceedings made in previous listing on 12.01.2022.

2.Today Mr.S.Anwar Sameem, learned Counsel for writ petitioner is before this virtual Court.

3.Pursuant to earlier proceedings, Mr.N.Aditya Vijayalayan learned Standing Counsel for SIPCOT has been served and learned Counsel is before this Court, who on instructions submits that the allotment in favour of writ petitioner was cancelled on 13.10.2021 and requests for time till day-after-tomorrow to produce the copy of the same. Request acceded to. Registry to show the name of learned Standing Counsel for SIPCOT from next listing.

4.List in the admission board ie., motion list on **02.02.2022.** '

3. The above proceedings shall be read as an integral part and parcel of this order.

4. The above proceedings capture the lis as well as trajectory the matter has taken.

5. Pursuant to earlier proceedings made in the previous listing
<https://hcservices.ecourts.gov.in/hcservices/>



on 31.01.2022, learned Standing Counsel for SIPCOT has now filed a typed set of papers enclosing the cancellation order dated 13.10.2021. A scanned reproduction of the cancellation order dated 13.10.2021 is as follows:

WEB COPY


SIPCOT

File No. SIPCOT-NUK/201 Karapaga/2021 Date: 13.10.2021

Mrs. Sri Karapaga Vinayagar Electrode,
No. A-2/4C, Vasanthdhamam,
80 Feet Road, K.R. Nagar,
Madurai - 625 020.

By: R.P.D.

Re,

Subj: SIPCOT - Allotment of Plot No.C-31 measuring 2.00 acres at SIPCOT Industrial Park, Nilakkottai - Non-payment of plot cost - Cancellation of allotment order - issued - Reg.

Ref: 1. Allotment Order No.MU/SIC-NUK/Sri Karapaga/2021 dated 27.05.2021
2. This office letter dated 23.06.2021
3. The Hon'ble Madurai Bench of Madras High Court Order dated 09.07.2021
4. Our letter dated 06.08.2021
5. Your letter dated 27.08.2021
6. This office letter dated 31.08.2021
7. The Hon'ble Madurai Bench of Madras High Court Order dated 01.09.2021 in respect of W.P.(MD) No.10848 of 2021.
8. This office letter No.P-III/SEP-NUK/Sri Karapaga/2021 dt.16.09.2021

With reference to the above, it is informed that you have not made the payment within the time stipulated. In continuation to this office letter 8th cited, the allotment of Plot No.C-31 measuring 2.00 acres made to you at SIPCOT Industrial Park, Nilakkottai, stands canceled automatically with forfeiture of initial deposit of Rs.20,000/- and processing fee of Rs.11,000/- paid by you for the extent allotted.

Yours faithfully,
ED/xxa
MANAGING DIRECTOR

Copy to:

The Project Officer,
SIPCOT Industrial Park,
Nilakkottai.

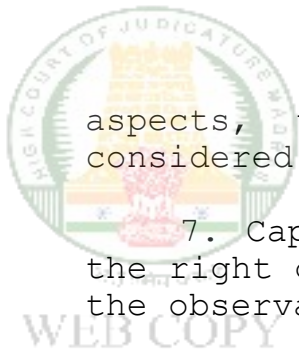
Allotment Cell - For information,
I.T. Department - to upload the plot in SIPCOT portal immediately.

((Forwarded by a/c))

Sd/-
GENERAL MANAGER(P-III)

State Industries Promotion Corporation of Tamil Nadu Limited

6. The above draws the curtains on the captioned matter. However, learned counsel for writ petitioner, adverting to the typed set of papers filed by learned Standing Counsel for SIPCOT submits that the applications for allotment qua said plot have now been invited and it would be just and equitable to permit the writ petitioner also to submit her application. This Court is informed that said plot has not been allotted to any one as of today. Therefore, considering the facts and circumstances of the case as a one off matter which will not serve as a precedent, it is made clear that the writ petitioner can also submit her application and if that be so, SIPCOT shall consider the application of writ petitioner also on its own merits and in accordance with law. To be noted, this one off measure is *inter-alia* owing to the prior judicial order made by another Hon'ble Single Judge and *bona fides* shown by writ petitioner in coming up with the demand draft *albeit* with delay. In other words, SIPCOT shall not cite this writ petition or the proceedings herein as a ground to disqualify the writ petitioner. In all other



aspects, writ petitioner's application for allotment will be considered on its own merits.

7. Captioned writ petition is disposed of as closed preserving the right of the writ petitioner to the extent indicated above i.e., the observation made supra. There shall be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pkn

To

1. The Managing Director,
SIPCOT,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai - 600 008.

2. The Project Director,
SIPCOT Industrial Park,
Nilakkottai, Dindigul District.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-3901[F] dated
03/02/2022)

W.P.[MD]No.541 of 2022
02.02.2022

KMK(CO)
KB(15.02.2022) 4P 4C