



W.P. No. 5438 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5438 of 2018

Sri Velan Engineering
Represented by its Proprietor K.Karthikeyan,
No.7, 4th Main Street,
Krishnapuram,
Thiruninravur – 602024.

... Petitioner

-VS-

1. Tamil Nadu Small Industries Development Corporation Limited
(A Government of Tamil Nadu Undertaking),
Thiru-Vi-Ka Industrial Estate,
Near SIDCO Electronics Complex,
Guindy,
Chennai – 600032.

2. Estate Officer,
Branch Manager,
Small Industries Development Corporation Limited,
Industries Estate,
Kakkalur – 602003,
Tiruvallur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the Second Respondent, quash the order of the Second Respondent dated 19.02.2018 bearing Proceedings No.499/B/08 as illegal, arbitrary and contrary to law and consequently direct the Respondents to grant six more months time for completing the building work and to commence



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production in the Plot allotted viz., Plot No. G51D in S.F.No. 497 part of Thanneerkulam Village, Tiruvallur Taluk and District.

For Petitioner : M/s. Balan Haridas

For Respondents : Mr. Karthikei Balan

ORDER

Heard Mr. Balan Haridas, Learned Counsel for the Petitioner and Mr. Karthikei Balan, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order in Proc. No. 499/B/08 dated 19.02.2018 passed by the Second Respondent under Section 5 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (hereinafter referred to as 'the TNPP Act' for short) informing the Petitioner that in furtherance to cancellation of the allotment of Plot No. G 51 D, Industrial Estate, Kakkalur made in his favour, it is decided to evict him from the premises.

3. The primordial contention of Learned Counsel for the Petitioner is that prior to the passing of the eviction order, the order of cancellation of allotment



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of Plot made in favour of the Petitioner has not been served on him.

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4. Learned Counsel appearing for the First Respondent has produced the cancellation order without any proof of its delivery to the Petitioner and its copy has been received today by Learned Counsel for the Petitioner, who seeks permission of the Court to withdraw the Writ Petition with liberty to file appeal under Section 9 of the TNPP Act before the jurisdictional District Court, and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that for the purpose of reckoning limitation for availing the aforesaid remedy, the period from the date of filing of the Writ Petition, viz., 07.03.2018, till the date on which the certified copy of this order is made ready by the Registry, shall be excluded. Consequently, the connected Miscellaneous Petition is closed. No costs.

31.10.2023

Index: Yes/No

NCC: Yes/No

Note: (i) Issue order copy by 18.04.2024.

(ii) Registry is directed to return the impugned order under written acknowledgment after



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retaining a copy of the same for record.

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To

1. Tamil Nadu Small Industries Development Corporation Limited
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P.D. AUDIKESAVALU, J.

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