



W.P.No.10540 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.10540 of 2021
and W.M.P.Nos.11127 & 11128 of 2021

1.Jeyaraj
2.B.Muthuvel

.... Petitioners

-Vs-

1.The State Industrial Development Corporation Ltd
Represented by its Chairman and Managing Director
SIDCO Corporate Office, Thiru-Vi-Ka Industrial
Estate, Guindy, Chennai – 600 032.

2.The General Manager
SIDCO, SIDCO Corporate Office
Thiru-vi-ka Industrial Estate
Guindy, Chennai – 600 032.

3.V.Selvarajan

(R3 impleaed vide order dated 21.04.2023
made in WMP No.16475/2021 in W.P.No.
10540/2021 by NAVJ)

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to act on his order dated 05.07.2006 and secure approval of sub division of Survey No.109 (Part), Zuzuvadi Village, Hosur Taluk, to an extent of 623 sq.ft for the petitioner and 1039.5 for the 2nd petitioner admeasuring 4132 sq.ft.

For Petitioners : Ms.V.Srimathi



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For Respondents : Mr.M.P.Rajavelayutham – for RR 1 and 2
Mr.MA.P.Thangavel – for R3

ORDER

This writ petition has been filed for the issuance of a writ of Mandamus directing the 2nd respondent to act upon the order dated 05.07.2006 and to grant approval to the petitioners 1 and 2.

2. The brief facts of the case is that the State Industrial Development Corporation (SIDCO) had allotted an extent of 4132 sq.ft of land in favour of one B.Manivannan through proceedings dated 17.04.2023. In turn, the said Manivannan transferred the land in favour of the impleaded 3rd respondent which was permitted through proceedings dated 21.06.2004. The 3rd respondent established a canteen, telephone booth and photocopy unit in the property.

3. The further case of the petitioners is that the 3rd respondent was not able to make investments for putting up construction and hence he transferred 623 sq.ft in favour of the 1st petitioner and 1039.05 sq.ft in favour of the 2nd petitioner. An application was made before the 2nd respondent seeking for subdivision and for transferring the lands that were transferred by the 3rd respondent in favour of the petitioners, and while making the said application, the willingness letter that was given was also annexed.



4. The request made by the petitioners was considered by SIDCO and through proceedings dated 05.07.2006, the proposal was rejected. Thereafter, a show cause notice was issued by SIDCO to the 3rd respondent seeking to cancel the allotment that was made. A reply was also given by the 3rd respondent. Ultimately the allotment was cancelled through proceedings dated 31.03.2009. This was challenged by the 3rd respondent in W.P.No.7075 of 2009 and this writ petition came to be dismissed. The 3rd respondent filed a writ appeal in W.A.No.2014 of 2011 and this writ appeal was allowed by an order dated 27.09.2013 setting aside the cancellation order and directing the officials of SIDCO to pass fresh orders within a time frame fixed by this Court.

5. The 3rd respondent thereafter submitted representations and ultimately the SIDCO approved the amended plan through proceedings dated 24.07.2015 and lay out was also approved on 02.09.2015. Thereafter the 3rd respondent also got the building permission from the local authority in the year 2016.

6. The petitioners had filed two suits against the 3rd respondent. The first suit was filed in O.S.No.364 of 2006 before the District Munsif Court at Hosur praying for the relief of mandatory injunction. The second suit was filed in O.S.No.191 of 2016 before the Sub-Court, Hosur seeking for the relief of declaration and permanent injunction. The first suit was dismissed and in the second suit, the 3rd respondent filed a Civil Revision Petition for striking off the plaint in C.R.P.No.2971 of 2016 and it is



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stated that the said CRP is pending.

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7. The petitioners in the mean time filed the present writ petition for a direction to SIDCO to grant approval based on the earlier understanding with the 3rd respondent. Since the same was not considered the present writ petition has been filed before this Court.

8. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

9. In the considered view of this Court, the petitioners do not have any right to seek for approval from SIDCO since such a direction can be sought for only if the 3rd respondent is agreeable for such an approval. That apart, the approval was sought for based on the earlier approval that was given in favour of the 3rd respondent in the year 2004 and this approval stood cancelled subsequently. Therefore, the very basis on which the petitioners are seeking for approval no longer exists. The 3rd respondent has obtained a fresh approval during the year 2015 and hence the cause of action for the petitioners no longer survives.

10. In the light of the above discussion, this Court does not find any merits in the writ petition. Accordingly, the same is dismissed. No costs. Consequently,



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connected miscellaneous petitions are also dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

KST

To

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N.ANAND VENKATESH, J.

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