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W.M.P.No.10346 of 2023
in W.P.No.19024 of 2013

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THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKESSAVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The present application is filed seeking clarification of the order dated 16.12.2013 passed in W.P.No.19024 of 2013.

2. Mr.P.S.Raman, learned Senior Counsel for the applicant submits that construction has been carried out by the present applicant. After the construction is carried out, floors 7 to 11 are vacant. There are other Government Agencies who have shown interest in occupying the said premises. The applicant seeks permission to let out the said floors on license basis to those Government Agencies. He submits that no interest would be created in those Government Agencies as it is only to be given on license.



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3. Learned Senior Counsel further submits that in fact, the present applicant, under the order dated 28.04.2011 in W.P.No.29937 of 2010 with connected writ petitions, was only directed not to use the land for commercial purpose and for the benefit of private corporate houses. The applicant does not intend to use the said premises for commercial purpose nor it intends to let out the same to private corporate houses. It would only let for use and occupation of the floors 7 to 11 on license basis to the Government of Tamil Nadu undertakings or the departments of the Government of Tamil Nadu. The details of the same are given by the applicant.

4. It is further submitted that in W.P.No.19024 of 2013, the Division Bench of this Court, under order dated 16.12.2013, further clarified that the applicant can use the premises for allied activities, such as construction of guest house, administrative block, corporate office for itself and so on.

5. We have also heard learned counsel for the writ petitioner.



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6. Under order dated 28.04.2011 in W.P.No.29937 of 2010 with connected writ petitions, this Court had observed that the present applicant shall not use the acquired land for any commercial purposes for the benefit of private corporate houses. The prohibition was for using the premises constructed over the acquired land for any commercial purpose. The applicant is using the premises up to six floors for its own use. Floors 7 to 11 are vacant. The details of all the Government of Tamil Nadu undertakings and the departments of Government of Tamil Nadu which are to use the said premises are given. The details are as under:

<i>S. No.</i>	<i>Name of Proposed Entity</i>	<i>Proposed Floor</i>	<i>Details of the Proposed Entity</i>
i.	ELCOT: Electronics Corporation of Tamil Nadu Limited	7th Floor	ELCOT is a wholly owned Government of Tamil Nadu undertaking, registered under the Indian Companies Act, 1956 on 21/03/1997. ELCOT manufactures communication equipment, electronic products and other components



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			through its own manufacturing units. It is also the nodal agency for Information and Communication Technology project for the State Government.
ii.	CUMTA: Chennai Unified Metropolitan Transport Authority	7th Floor	CUMTA was established by the Government of Tamil Nadu by way of Act 44 of 2010 (The Chennai Unified Metropolitan Transport Authority Act, 2010). It was established to co-ordinate and streamline the activities among various agencies involved in planning, operating and managing transportation systems in the Chennai Metropolitan Planning Area.
iii.	TNSDC: Tamil Nadu Skill Development Corporation	8th Floor	The TNSDC was established in the year 2013 and it functions as a corporation under the Labour and Employment Department. TNSDC has been declared as the nodal agency for skill development for the State Government.
iv.	TNGCC: Tamil Nadu Green Climate Company	9th Floor	TNGCC is a special purpose vehicle set up under the Department of Environment, Climate Change and



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			Forests by the Government of Tamil Nadu. TNGCC is a "not-for-profit" company established under the Companies Act, 2013.
v.	TANSIM: Tamil Nadu Startup and Innovation Mission	10th Floor	TANSIM (now referred to as <i>Startup TN</i>) is a department of Micro, Small and Medium Enterprises. It and was started with the aim of making Tamil Nadu a global innovation hub for Startups and economic growth.
vi.	Guidance Tamil Nadu	11th Floor	Guidance Tamil Nadu (<i>formerly Tamil Nadu Industrial Guidance and Export Promotion Bureau</i>) was established as a non-profit registered society in 1992. It is the investment promotion agency of the Government of Tamil Nadu. It is constituted to reach out to prospective investors and make them invest in the state of Tamil Nadu. It comes under the Industries Department and is under the purview of Minister of Industries.

7. It would appear that the departments to which the applicant intends to give on license from floors 7 to 11 are mostly non-profit



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organisations and engaged in public welfare activities and they are Government of Tamil Nadu companies. Naturally, the applicant is not doing business by giving on license floors 7 to 11 nor is letting it out to private corporate sector.

8. In the light of the above, we permit the applicant to give on license floors from 7 to 11 as detailed herein above temporarily. If the applicant wants to change the licensee or its terms, then, the applicant shall seek further permission from Court.

9. With these observations, the application is disposed of.

(S.V.G., CJ.)

(P.D.A.,J.)

27.06.2023

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THE HON'BLE CHIEF JUSTICE
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