



W.P. No. 12758 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 03.11.2023**

**CORAM**

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

**W.P. No. 12758 of 2021**

**and**

**W.M.P. Nos. 13553 and 13554 of 2021**

Indian Refrigerator Company Limited,  
Represented by its Authorized Signatory,  
Auto Cars Compound,  
Adalat Road,  
Aurangabad – 431 005.

... Petitioner

-VS-

1. The State of Tamil Nadu,  
Represented by its Principal Secretary,  
Industries Department,  
Secretariat,  
Chennai – 600 009.

2. State Industries Promotion Corporation of Tamil Nadu Ltd. (SIPCOT),  
Represented by its Managing Director,  
19-A, Rukmani Lakshmipathy Road,  
Egmore,  
Chennai – 600 008.

...

Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the Second Respondent in its order dated 16.04.2021 in Ref. No. P-III/SICH/Indian Refrigerator/19/2011, quash the same.



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For Petitioner : Mr. Abishek Jenasenan  
For Respondents : Mr. S.Arumugam,  
Government Advocate (for R1)  
Mr. R.Gunalan (for R2)

## ORDER

Heard Mr. Abishek Jenasenan, Learned Counsel for the Petitioner, Mr. S.Arumugam, Learned Government Advocate appearing for the First Respondent and Mr. R.Gunalan, Learned Counsel for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The industrial plot bearing no. 72 measuring an extent of 5.96 acres in SIPCOT Industrial Estate, Hosur belongs to the Respondent, viz., State Industries Promotion Corporation of Tamil Nadu Limited. The lease-hold rights of the said land for a period of 99 years had been initially granted to M/s. Videocon Appliances Ltd., for setting up an industrial unit for manufacture of domestic refrigerators on 15.04.1994 and a lease-deed dated 10.04.1994 was executed between the parties. Later, approval was accorded by the Respondent for transfer of lease-hold right of that plot in favour of the Petitioner by



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Proceedings dated 07.04.1995 and a modified lease-deed dated 04.09.1995 had

been entered between them, which *inter alia* contains the following condition:-

*“ 15. The party of the second part will take possession of the plot in “as is where is” condition and no further demand for any development, such as earth filling, raising the level etc., shall be entertained. Any other improvement or developments inside the allotted plot is purely at the discretion of the party of the second part.*

*16. The party of the second part shall utilise the allotted plot only for the purpose for which it was allotted.*

*17. Construction of buildings will have to be commenced within six months from the date of allotment order and be completed within 24 months from the date of allotment order. Before commencing such construction of works on the allotted plot, the allottee should strictly follow the following building regulations prescribed, among others.*



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*18. The allottee shall commence commercial production/trial*

*production within 30 months from the date of allotment order.*

*Failure will entail cancellation of allotment and forfeiture of initial deposit paid towards the extent allotted.”*

According to the Respondent, it had been noticed that the unit of the Petitioner had been lying closed for more than eight years and that land had not been put to use for the purpose for which it was allotted and despite 90 days' notice issued, the Petitioner had not taken any concrete steps and the explanation submitted by letters dated 15.03.2021 and 16.04.2021 could not be accepted. In that backdrop, the Respondent by Proceedings No. P-III/SICH/Indian Refrigerator/19/2011 dated 16.04.2021 cancelled the allotment of the said plot and directed the Petitioner to surrender the same within 15 days from the date of receipt of its copy, failing which it would be constrained to resume the plot invoking the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975.

3. Though the cancellation of the allotment of the plot in the said order is assailed in this Writ Petition, Learned Counsel for the Petitioner has brought to notice that after the filing of the Writ Petition, the Petitioner has resumed its manufacturing activities in that allotted plot and has made a representation



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dated 02.11.2023 in that regard and would be satisfied if orders are expeditiously passed thereon.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 02.11.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 10 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.03.2024 under written acknowledgment;



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(v) no coercive action in furtherance to the impugned order shall be taken by

the concerned authorities till the aforesaid exercise is completed; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

03.11.2023

Index: Yes/No

NCC: Yes/No

**Note: Issue order copy by 08.01.2024.**

vjt

To

1. The Principal Secretary to Government of Tamil Nadu,  
Industries Department,  
Secretariat,  
Chennai – 600 009.

2. The Managing Director,  
State Industries Promotion Corporation of Tamil Nadu Ltd. (SIPCOT),  
19-A, Rukmani Lakshmipathy Road,  
Egmore,  
Chennai – 600 008.

Copy to

The Registrar (Judicial),  
Madras High Court,



Chennai – 600 104.

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**P.D. AUDIKESAVALU, J.**

**vjt**

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