



WEB COPY



W.P. No.18083 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.18083 of 2020 and
W.M.P. Nos.22468 and 23118 of 2020

S.J.Mansoor Ali

... Petitioner

Vs.

1.The General Manager (P-III)
State Industries Promotion Corporation
of Tamil Nadu Limited
19-A, Rukmani Lakhmipathy Road
Post Box No.7223, Egmore
Chennai - 600 008.

2.The General Manager
Aavin, Ayanavaram
Chennai - 600 023

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus forbearing the 1st respondent not to evict the petitioner from running his business at Plot No.CP-1 measuring 0.43 acres in Gummidipoondi Industrial Complex, Gummidipoondi without following the due process of law.

For Petitioner

:

Ms.S.Meenakshi



WEB COPY



W.P. No.18083 of 2020

For Respondents : Ms.Sudharshana Sundar for R1
R2 served. No Appearance

ORDER

The petitioner has moved this petition to forbear the first respondent from evicting him in doing his business in Plot No.CP-1 measuring 0.43 acres in Gummidipoondi Industrial Complex, Gummidipoondi.

2. The case of the petitioner is that, on 26.06.2015, the second respondent had sent a communication to the first respondent informing them that it had granted licence to the petitioner to run an Aavin Parlour in the SIPCOT. Responding to the same, the first respondent wrote to the second respondent vide its communication dated 06.07.2015 setting out the terms and conditions for Aavin to establish its parlour through its licensee. Subsequent to this, the second respondent had issued a licence dated 24.09.2015 appointing the petitioner as its agent for the period from 21.09.2015 to 20.09.2017 and this was periodically renewed and at the time of filing of the writ petition, which was in 2020, it was renewed by the second respondent up to 18.08.2021.

3. According to the petitioner, the first respondent had allotted 43 cents within



W.P. No.18083 of 2020

Gummidipoondi Industrial Complex in Plot No.CP-1 for the petitioner to set up his parlour. Petitioner claims he invested substantial sum in that.

4. Be that as it may, it has come to the knowledge of the petitioner that applications are being received for the allotment of the aforesaid 43 cents plot for industrial purposes from intending purchasers. A meeting too was convened on 06.11.2020. The petitioner too had participated in that. The petitioner challenges the decision of the first respondent to allot the said plot of the land for industrial purposes but, seek a writ of mandamus to forbear the first respondent from evicting him.

5. Learned counsel for the respondents submitted that, based on the request of the first respondent, Aavin itself has cancelled the licence of the petitioner and hence the first respondent chose to evict the petitioner. The learned counsel circulated a copy of the communication dated 22.06.2023, addressed to it by Aavin wherein, it was indicated that petitioner's licence was not extended beyond 18.08.2021.

6. At the end of the day, the petitioner as an agent of Aavin do not share any



W.P. No.18083 of 2020

privity of relationship or contract with the first respondent. He was only an agent of Aavin and licence was given to the Aavin by the first respondent to set up its parlour. When Aavin does not want the parlour to continue, the petitioner cannot claim a right *de hors* against his agency with the second respondent.

7. In conclusion, this court does not find that the petitioner has a legal right to sustain his contention and this court does not see that the first respondent is in breach of any of its duties against law.

8. Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

13.07.2023

Index : Yes/No
Speaking/Non-speaking order
Asr

To



W.P. No.18083 of 2020

1. The General Manager (P-III)
State Industries Promotion Corporation
of Tamil Nadu Limited
19-A, Rukmani Lakhmipathy Road
Post Box No.7223, Egmore
Chennai - 600 008.

2. The General Manager
Aavin, Ayanavaram
Chennai - 600 023

N.SESHASAYEE, J.,



WEB COPY



W.P. No.18083 of 2020

Asr

W.P. No.18083 of 2020 and
W.M.P. Nos.22468 & 23118 of 2020

13.07.2023