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W.P. No. 23422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

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

**W.P. No. 23422 of 2023
and
W.M.P. No. 22959 of 2023**

P.S.Kavitha

... Petitioner

-VS-

1. Tamil Nadu Small Industries Development
Corporation Limited (TANSIDCO),
Represented by its Chairman & Managing Director,
Thiru-vi-Ka Industrial Estate,
Guindy,
Chennai – 600032.

2. The Branch Manager,
TANSIDCO,
Administrative Office Building,
Women Industrial Park,
Vellanur Post,
Thirumullaivoyal,
Chennai – 600062.

... 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 impugned order(s) bearing RC. No. 8153/IE-1-4/2013-1, dated 05.06.2023 on the file of the First Respondent and the Consequential order bearing Rc 1040/A4/2013, dated 10.07.2023 on the file of the Second Respondent and quash the same.

For Petitioner

: Mr. Harikrishnan



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for Mr. Sharath Chandran

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For Respondents

: Mr. Karthikei Balan,
Standing Counsel

ORDER

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

2. The Petitioner was allotted Plot No. T-265 measuring an extent of 13.54 cents (approximately) situated in the Woman Industrial Park (WIP), Industrial Estate, Thirumullaivoyal by Proceedings in Rc.No. 8153/IE-1/2013 dated 13.11.2013 by the First Respondent on outright basis and a Memorandum of Understanding dated 31.12.2014 was entered between the Second Respondent and the Petitioner in that regard. However, as the Petitioner failed to start construction of building/commissioning of industry even after the Show Cause Notice No. 1040/A4/2013 dated 04.07.2022 sent by the Second Respondent, the First Respondent by Proceedings in RC No: 8153/IE-1-4/2013-1 dated 05.06.2023 cancelled the allotment made in her favour. Since the Petitioner did not vacate and hand over the plot within 30 days, she was treated as 'unauthorized occupant' of that land and notice for enquiry in the proceedings to



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resume the plot under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, was sent by Proceedings in Rc. No. 1040/A4/2013 dated 10.07.2023 in prescribed Form-B in terms of Rule 4 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Rules, 1978, (hereinafter referred to as 'the TNPP Rules' for short) with covering letter dated 10.07.2023. The said orders are challenged in this Writ Petition.

3. The Petitioner has not been able to demonstrate any error in the decision-making process leading to the impugned orders warranting interference by this Court in the exercise of its discretionary powers under Article 226 of the Constitution. That apart, the Hon'ble Supreme Court of India in the decision in ***Indu Kakkar -vs- Haryana State Industrial Development Corporation Ltd.*** [(1999) 2 SCC 37] has highlighted that the allotment making authority would be justified in resuming the plot from the allottee who cannot claim any right to remain in occupation without performing his obligation to utilize that property for industrial purpose for which avowed object it has been established. This would obviously mean that the Respondents cannot be faulted in cancelling the allotment made in favour of the Petitioner when she has not carried out her obligations to complete construction and commence commercial production within the stipulated time frame in this case. Viewed from that perspective,



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when the Petitioner has not availed the various opportunities granted by the Respondent to commence industrial activities in the plot, no useful purpose would be served by keeping the unutilized plot idle without taking any action for the eviction of the Petitioner from there.

In the result, the Writ Petition, which is devoid of merits, is dismissed. The interim order earlier granted on 10.08.2023 and subsequently extended on 24.08.2023 and 21.09.2023 is vacated. Consequently, the connected Miscellaneous Petition is closed. No costs.

06.10.2023

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

To

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P.D. AUDIKESAVALU, J.

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