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W.P.No.13986 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.02.2023

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.13986 of 2017
and W.M.P.Nos.24697 & 15200 of 2017

M/s.W.S.Industries [India] Ltd
Represented by its Authorised Signatory
Mr.Swaminathan
No.108, Mount Poonamallee Road,
Porur, Chennai – 600 116.

... Petitioner

Vs

1. The District Revenue Officer/Additional District Judge,
Thiruvallur.

2. P.Jeyapal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned notice of the 1st Respondent dated 25-05-2017 vide proceeding Na.Ka.No.25496/2015/B.3(e/f/25496/2015/M3) and quash the same.

For Petitioner : Mr.Vijay Narayan, Senior Counsel
for Mr.K.P.Sanjeev Kumar

For Respondents : Mr.B.Vijay - R1
Additional Government Pleader
No appearance - R2



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ORDER

Read this order in conjunction with order dated 30.01.2023 that reads as follows:

- 1. Heard learned counsel in detail.*
- 2. The impugned communication is of May, 2017 vintage. The complaint of P.Jayapal on the basis of which it draw sustenance refers to two violations (i) mortgage of the land assigned to the petitioner which is impermissible under the deed of assignment and (ii) registered sale agreement bearing document No. 3516/12 with Mantri developers under which substantial advance is stated to have been received by the petitioner.*
- 3. The petitioner accedes to both violations but states that they have been subsequently ratified under G.O.(Ms).No.145 dated 22.11.2018 and G.O.(Ms).No.262 Industries (MID.1) Department dated 11.12.2020. Both the aforesaid Government Orders have been issued subsequent to impugned notice dated 25.05.2017.*
- 4. Thus, prima facie, there is nothing untoward in the impugned notice having been issued. However, the fact remains that if the violations based on which the impugned notice has been issued have been ratified by the State, then nothing further would remain to be enquired / looked into, by the respondents. Faced with this position, Mr.Vijay, learned Additional*



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Government Pleader seeks a day's time to obtain written instructions from the officer.

5. List day after tomorrow i.e., 01.02.2023 as Item No.1. The petitioner will furnish (i) copy of letters submitted seeking permission for construction of housing project which are stated to have been subsequently rescinded, (ii) date of cancellation of registered agreement entered into with Mantri developers and (iii) copy of order in W.P.Nos. 6683 & 6685 of 2020 dated 15.06.2022.

2. The first respondent, District Revenue Officer has now filed an affidavit dated 01.02.2023, wherein at paragraphs 6 to 10, they refer to Government Orders ratifying various acts of commission engaged in by the petitioner over the years. Paragraphs 6 to 10 are extracted below:

“6. It is respectfully submitted that the Government [Industries (MID.1) Department] vide G.O.Ms.No.5781 and G.O.Ms.No.2651 dated 29.09.1961 and 18.05.1962 respectively ordered acquisition of lands to the extent of 49.67 Acres in Porur Village, erstwhile Chengalpet District for the establishment of an electrical insulator factory by W.S. Industries (India) Limited (Formerly called M/s.W.S.Insulators (India) Limited, Chennai). Further, the Government vide G.O.(Ms) No.753, Industries Department, dated.08.06.1977 ordered for transfer for an extent of 6.16 Acres to S&S Power Switch Gears Limited which is the sister concern of M/s.W.S. Industries (India) Limited formerly M/s.W.S.Insulators (India) Limited, Chennai.

7. It is respectfully submitted that the Government vide G.O.(Ms.) No.246, Industries (MID.1) Department, dated 17.09.2002 has ordered for transfer



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to an extent of 14 Acres to its subsidiary M/s. W.S.Electric Limited for setting up a Software Technology Park. Later, an amended G.O.(Ms.) No.56, Industries (MID.1) department dated 13.05.2003 was also passed granting permission for transfer of land over an extent of 5.67 Hectares of land (i.e.14 Acres) to M/s. W.S. Electric Limited for setting up of Software Technology Park(STP).In 2018, the Company further requested the State Government for transfer 16.40 Acres out of 30.11 Acres of industrial land to its subsidiary company W.S.T& D Limited and/or any other Subsidiary and to use the land for establishing an Information Technology Park (IT/ITES).

8. It is respectfully submitted that the Government vide G.O.(Ms.) No.145, Industries (MID.1) Department dated 22.11.2018, has granted permission to the company to transfer 16.40 Acres of land comprised in Survey Nos.25/2, 25/4A1, 25/4C2, 25/4D1, 25/4E1, 25/F, 25/4G1, 25/4G3, 25/5A, 25/5BA and 25/4H2A in favour of M/s.W.S.T & D Limited for establishing an Information Technology (IT/ITES) Park.

9.It is respectfully submitted that the Government in G.O.(Ms.) No.262, Industries (MID.1) Department dated 11.12.2020, has ratified the action of M/s. W.S. Industries for having mortgaged the lands covered under Assignment Deeds dated.26.02.1964 and 05.06.1964 without the previous sanction of the Government and also accorded permission to W.S. Industries India limited company to transfer 13.11 Acres of land comprised in S.Nos.70/1, 73/2 and 77 in Porur Village, Maduravoyal Taluk, Chennai District to a subsidiary of W.S.Industries (India) Ltd. for establishing Information Technology Park(IT/ITES).

10. It is respectfully submitted that, as the Government had ratified the action of M/s. W.S.Industries and ordered for transfer of lands for



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establishing Information Technology Park(IT/ITES), the notice dated 25.05.2017 issued by the then District Revenue Officer erstwhile Tiruvallur District to enquire about the alleged breach of assignment conditions has consequently become infructuous.”

3. The petitioner has also, in compliance with direction issued on 30.01.2023 filed a compilation of documents which includes sale agreement dated 07.06.2012 and its cancellation on 15.04.2018.

4. There is no need to delve into the factual aspects of the matter now in light of the statement of R1 in paragraph 10 to the effect that the impugned notice is rendered infructuous.

5. Recording the same, this Writ Petition is closed. No costs. Connected Miscellaneous Petitions are also closed.

01.02.2023

Index : Yes / No

Speaking/non-speaking Order

Neutral Citation: Yes/No

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To

The District Revenue Officer/Additional District Judge,
Thiruvallur.



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DR.ANITA SUMANTH,J.

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