



WEB COPY



W.P. No. 32841 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

W.P. No. 32841 of 2023

1. M/s. Siga Gases & Dry Ice,
A proprietorship Concern,
Represented by its
Sole Proprietor Nischith Devaraj,
Having office at
No. 192, 3rd Main Road,
Chamarajpet, Bangalore – 560018.

2. Sumalatha

... Petitioners

-VS-

1. The Chairman & Managing Director,
State Industries promotion Corporation of
Tamilnadu Limited,
(SIPCOT), Office at: 19-A, Rukmani,
Laksmipathy Road,
Post Box No. 7223, Chennai – 600008.

2. P.Palani

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent to consider the Petitioner's representation dated 24.04.2023 and further direct the First Respondent to execute the registered lease deed in respect of plot No.50, situate in Sipcot Industrial Complex, at Hosur (Phase.II) within the village



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limits of Mornapalli Taluk of Hosur, Sub Registration District of Hosur in Krishnagiri Revenue District containing and measurements 0.80 Acres or therefore bearing survey Nos. 97/1A (Part) and 97/2. In favour of Nischith Devaraj, S/o. Devaraj sole proprietor of M/s. Siga Gases & Dry Ice.

For Petitioners : Mr. Ilayarajakmar
for Ms. A.S.Neela Narayani

For Respondents : Mr. M.P.Rajavelayutham (for R1)

ORDER

Heard Mr. Ilayarajakmar, Learned Counsel for Ms. A.S.Neela Narayani, Learned Counsel for the Petitioner and Mr. M.P.Rajavelayutham, Learned Counsel appearing for the First Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioners are the son and the wife of one Devaraj, who was claiming lease-hold rights in respect of Plot No. 50 measuring 0.80 acres at Phase – 2, SIPCOT Industrial Complex, Hosur, belonging to the First Respondent. It is the case of the Petitioners that after the demise of the said Devaraj on 23.05.2021, they had succeeded to his estate and had made a representation dated 24.04.2023 to the First Respondent to execute a Lease-Deed in favour of the First Petitioner and register it, but as it did not evoke any



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response, it has necessitated the filing of this Writ Petition.

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3. The claim of the Petitioners is resisted by the First Respondent by highlighting that a judgment and decree dated 07.08.2009 has been passed by the District Munsif Court, Hosur in the suit in O.S. No. 224 of 2008 filed by the Second Respondent against the said Devaraj (during his life time) and the First Respondent restraining them by a permanent injunction from disturbing his possession of the said property, which has attained finality and continues to be in force as on date.

4. As it is apparent from the materials placed on record that the matter involves disputed questions of fact relating to property rights, which are private in character and do not have any element of public law involved, which require full fledged trial by recording of evidence of parties, it cannot be decided in a summary manner in proceedings under Article 226 of the Constitution of India.

5. In that backdrop, Learned Counsel for the Petitioners seeks permission of this Court to withdraw the Writ Petition reserving the rights of the Petitioners to work out their remedies before the Civil Court and he has made an endorsement to that effect in the court record.



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In fine, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.12.2023

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

pal

To

The Chairman & Managing Director,
State Industries promotion Corporation of
Tamilnadu Limited,
(SIPCOT), Office at: 19-A, Rukmani,
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Post Box No. 7223, Chennai – 600008.



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P.D. AUDIKESAVALU, J.

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