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W.P. No. 35655 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

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

W.P. No. 35655 of 2023

and

W.M.P. No. 35627 of 2023

LIXIL Window Systems Private Limited,
(Previously known as Star Alubuild Private Limited),
Having its registered office at;
Plot No.75, Sector -8,
IMT Manesar, Gurugram,
Haryana 122 050.
Represented by its authorized signatory
Mr. Erpedu Kannaiyaram Vinoth Kumar

... Petitioner

-vs-

State Industries Promotion Corporation of Tamil Nadu Limited,
Represented by its Chairman and Managing Director,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore, Chennai 600 008.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the notice bearing No. PO/SIP/RPT/Star Alubuild/2-23 dated 24.11.2023 (and the Show Cause Notice in Form-A attached thereto) on the file of the Respondent and quash the same and consequently, directing the Respondent to execute the Surrender Deed with the Petitioner in its current name, i.e., 'LIXIL Window Systems Private Limited'.



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For Petitioner : Mr. Ajith.C.R.

For Respondent : Mr. K.Palaniappan

ORDER

Heard Mr. Ajith.C.R., Learned Counsel for the Petitioner and Mr. K.Palaniappan, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Proceedings No. PO/SIP/RPT/Star Alubuild/2-23 dated 24.11.2023 initiated under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (hereinafter referred to as 'the Act' for short) for eviction of the Petitioner on cancellation of the allotment for non-compliance of the lease condition.

3. Learned Counsel appearing for the Petitioner submits that though the Petitioner has sought for the aforesaid relief, the Petitioner would be satisfied if the representation dated 22.12.2023 made by the Petitioner after the filing of the Writ Petition seeking to surrender the land and execute surrender deed as sought in the letter dated 29.08.2023, is expeditiously disposed by the concerned authority.



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4. In such circumstances, 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 22.12.2023 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; and
- (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 under written acknowledgment.



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5. It is needless to add here that till the aforesaid exercise is completed, no action entailing adverse civil consequences to the Petitioner shall be taken and depending upon its ultimate outcome, the concerned authority shall not be impeded to take recourse for appropriate further action in accordance with law.

In the result, the Writ Petition is disposed with the aforesaid observation.

Consequently, connected Miscellaneous Petition is closed. No costs.

22.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy 20.02.2024.

gsa

To

The Chairman and Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore, Chennai 600 008.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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2. LIXIL Window Systems Private Limited,
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Represented by its authorized signatory
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P.D. AUDIKESAVALU, J.

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