



W.P.(MD)No.1665 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 1665 of 2021

and

W.M.P(MD)Nos. 1409 & 13446 of 2021

Ganeshraja Organizations Private Limited,

Represented by the Managing Director,

Mr.A.Ganeshrajah

... Petitioner

Vs.

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

2. The Project Officer,
SIPCOT Industrial Complex,
Tuticorin.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent contained in its order bearing reference No.P-III/SIC-TUT/Ganesh Raja/2020 dated 07.01.2021 and to quash the same as arbitrary unjust and illegal



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and to consequently direct the Respondents to grant an Extension of 24 months for completion of the construction and commencement of commercial production.

For Petitioner : Mr.R.Murali, for
M/s.K.Govindarajan

For Respondents : Mr.M.Gangatharan

ORDER

This writ petition is filed for Writ of Certiorarified Mandamus, to quash the impugned order, dated 07.01.2021 and also seeking a consequential direction to the respondents to grant extension of time for a period of 24 months, for completion of the construction.

2. Heard Mr.R.Murali, for M/s.K.Govindarajan, the Learned counsel appearing for the petitioner, Mr.M.Gangatharan, the Learned Counsel appearing for the respondents and perused the material documents available on record.

3. The petitioner was allotted Plot No.16 through a registered Lease Deed, dated 25.04.1995 for a period of 99 years of lease. The condition for such



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allotment is that the petitioner should put up construction within a stipulated time, but the petitioner could not put up the said construction within the prescribed time and there was a delay.

4. The learned Counsel appearing for the petitioner submitted that he started construction of the buildings in a phased manner with proper architectural design for utilizing the entire extent of 4.98 acres and in the year 2015, First Phase of the proposed construction was completed. However, the 1st respondent has issued notice on 23.07.2015, stating that the entire area was not utilized for putting up construction. Hence, from 4.98 acres allotted land the respondents have cancelled 2.50 acres of land and directed the petitioner to surrender. The same was challenged by the petitioner in W.P.(MD)No.14548 of 2015, this Court, vide order, dated 03.08.2018 directed the petitioner to deposit a sum of Rs.30 lakhs. On such payment the respondents are directed to re-allot the 2.50 acres to the petitioner. The petitioner has already paid the said amount, in November 2018. The respondents have re-allotted 2.50 acres. When the petitioner was ready to put up construction, there was Lock down due to Covid-2019. Hence, the



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petitioner could not put-up construction within a stipulated time. Thereafter, the respondents have passed the impugned order. Against the same, the writ petition is filed.

5. The contention of the petitioner is that he has already started to putting up construction, because of the impugned proceedings, the respondents disturbing the construction.

6. Having paid the amount of Rs.30 lakhs for reallocation, the petitioner is entitled to be considered. Moreover, due to Covid-19 lock down the petitioner could not construct as per estimated time. Therefore, by taking the facts narrated supra into consideration, this Court is of the considered opinion that the petitioner is entitled for further time. Therefore, the impugned order, 07.01.2021 is hereby quashed. The petitioner is directed to put up building construction and the same shall be completed, within 30th day of September 2024. The petitioner is not entitled for further extension of time.



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7. With the above directions, this Writ Petition is allowed in above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

11.09.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No
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To

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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 1665 of 2021**

11.09.2023