



WEB COPY



W.P.No.781 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.781 of 2021

and

W.M.P.No.843 of 2021

Aroha e-serve private limited

... Petitioner

Vs.

1. The State Industries Promotion
Corporation of Tamil Nadu Ltd.,
(A Government of Tamil Nadu undertaking),
Rep. by its Chairman and Managing Director,
No.19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore, Chennai – 600 008.

2. The Estate Officer,
SIPCOT Information Technology Park,
Egattur Vilalge, Padur Post,
Thiruporur Taluk,
Chengalpattu District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, calling for the records of the



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1st respondent relating to the impugned order vide P - III/ SITPS / Aroha /76/2019 dated 28.09.2020 and the consequential impugned order vide Ref. No.PO/SITP/ Siruseri / Aroha /2018 dated 28.12.2020 issued by the 2nd respondent quash the same as illegal, incompetent and unconstitutional and further forbear the respondents from interfering with the peaceful possession of Plot No.7/A-13 at SIPCOT Information Technology park, Siruseri.

For Petitioner : Mr.Kumarpal R Chopra

For Respondents : Mr.R.Gunaalan, Standing Counsel

ORDER

The order of cancellation of allotment of industrial plot in Proceedings dated 28.10.2020 and the consequential order passed in the Proceedings dated 28.12.2020 for taking possession of the plot are under challenge in the present writ proceedings.

2. The petitioner is Aroha e-serve private limited. The respondents / SIPCOT developed an industrial park at Siruseri and plots were allotted to



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various applicants. The petitioner company also submitted their application for allotment of industrial plot and Plot No.A-13 (New No.A/A-13), measuring an extent of 1.11 acres was allotted to the petitioner at SIPCOT Information Technology Park at Siruseri. The allotment order was issued in the name of the petitioner in proceedings dated 24.05.2005.

3. Condition (viii) of the allotment order indicates about the implementation of the project/commercial production. Accordingly within 30 months from the date of the order, the project must be completed. Failure will entail cancellation of allotment and forfeiture of initial deposit and development charges paid towards the extent allotted. As per the lease deed executed between the petitioner and the respondent, clause 17 and 18 would state that *“the allottee shall commence the construction of factory buildings within six months, complete the same within 24 months and to commence commercial/ trial production within 30 months from the date of allotment order”*. The allotment order also would indicate that the project must be completed within a period of 30 months and the petitioner has signed the lease deed to comply with their conditions. Even as per the lease



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deed, commencement of project must be made within a period of 6 months, which was not done admittedly by the petitioner.

4. The authorities have conducted an inspection and found that the petitioner has not commenced the construction of factory buildings within a period of six months. Though the order of allotment was passed on 24.05.2005, the authorities have given longer time for the petitioner and finally, initiated action and passed the impugned order in proceedings dated 28.09.2020, cancelling the allotment made on 24.05.2005.

5. Consequent to the cancellation of the allotment, further order was passed on 28.12.2020 for taking over possession of the plot allotted in favour of the writ petitioner. The petitioner would not able to establish any acceptable reason for the purpose of delay in commencement of construction of factory in the industrial plot allotted in favour of the petitioner. Contrarily, they have filed two writ petitions and attempted to prolong the matter. The authorities had issued the cancellation of allotment in proceedings dated



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28.09.2020 and now at this length of time, there is no scope to grant the relief to the writ petitioner, since the petitioner has not shown interest to develop or manufacturing unit in the industrial plot allotted by the respondents at Siruseri.

6. Therefore, this Court do not find any infirmity in respect of the orders impugned and consequently, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.02.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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