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W.P.No.21304 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.21304 of 2010

and

M.P.No.1 of 2010

M/s.Holidays Farms & Resorts,
Represented by its Managing Partners S.Kumar,
S/o.V.Swaminthan,
and located at Main Road,
Akaraivattam, Karaikal – 609 604. ... Petitioner

Vs.

- 1.The Secretary to the Government (Tourism),
Department of Industrial Development (Tourism),
Government of Puducherry.
- 2.The Under Secretary to the Government (Tourism),
Department of Industrial Development (Tourism),
Government of Puducherry.
- 3.The Director,
Department of Tourism,
Government of Puducherry. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order dated 10.08.2010 vide



W.P.No.21304 of 2010

Ref.No.908/Tourism/US/2010 of the third respondent, quash the same and direct the 3rd respondent to settle the petitioner's claim regarding Financial Incentives calculated as per G.O.Ms.No.1 dated 16.02.2004 and G.O.Ms.No.2 of 2006 dated 18.07.2006 and as per the directions of this court in W.P.No.7893 of 2010 dated 27.04.2010.

For Petitioner : Mr.K.Suresh Babu

For Respondents : Mr.V.Vasanthakumar
(Puducherry)

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 10.08.2010 vide Ref.No.908/Tourism/US/2010 of the 3rd respondent, quash the same and direct the 3rd respondent to settle the petitioner's claim regarding Financial Incentives calculated as per G.O.Ms.No.1 dated 16.02.2004 and G.O.Ms.No.2 of 2006 dated 18.07.2006 and as per the directions of this court in W.P.No.7893 of 2010 dated 27.04.2010.

2. The case of the petitioner is that, the petitioner's resort made an



W.P.No.21304 of 2010

application dated 02.08.2010 before the 3rd respondent for grant of financial incentives under Government Tourism Scheme as per G.O.Ms.No.1 dated 16.02.2004 and G.O.Ms.No.2 of 2006 dated 18.07.2006, which was rejected by the 3rd respondent vide impugned order dated 10.08.2010. Challenging the same, the present writ petition is filed before this court.

3. Learned counsel appearing for the petitioner submitted that, the 3rd respondent has rejected the application of the petitioner vide impugned order dated 10.08.2010 stating that since the petitioner's resort was commissioned on and after 2005, petitioner's resort is eligible to claim incentives only as per G.O.Ms.No.01/2010/Tsm dated 20.01.2010 is wholly unsustainable. Accordingly, he prays for appropriate orders.

4. Learned Additional Government Pleader (Puducherry) appearing for the respondents submitted that, during the pendency of this writ petition, the Financial Incentives Committee conducted a meeting on 25.01.2011, in which, they have decided to grant a sum of Rs.30,00,000/- to the petitioner's resort and they have also disbursed the said amount to



W.P.No.21304 of 2010

the petitioner towards financial incentives and to that effect, the petitioner had given acknowledgment receipt dated 28.02.2011. If at all the petitioner is aggrieved by the said amount, the petitioner has to workout his remedy in the manner known to law. Without doing so, filing the present writ petition is *per se* unsustainable. Accordingly, he prays for dismissal of this writ petition.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Admittedly, the petitioner has made an application before the 3rd respondent seeking financial incentives, however, the same was rejected by way of the impugned order, aggrieved by the same, the petitioner filed the present writ petition seeking financial incentive as per G.O.Ms.No.1 dated 16.02.2004 and G.O.Ms.No.2 of 2006 dated 18.07.2006. However, during the pendency of this writ petition, the respondents have disbursed a sum of Rs.30,00,000/- to the petitioner's resort towards financial incentives as per the minutes of the Financial Incentive Committee dated 25.01.2011. It is the claim of the learned



W.P.No.21304 of 2010

WEB COPY

counsel for the petitioner that the said Rs.30,00,000/- is not in consonance with the G.O.s relied upon by the petitioner. However, this court is of the view that, during the pendency of this writ petition, since the financial incentives was disbursed in favour of the petitioner, nothing survives for adjudication in this writ petition.

7. Accordingly, this writ petition is dismissed. However, if the petitioner is aggrieved by the amount disbursed by the respondents towards financial incentives, the petitioner is at liberty to workout the remedy in the manner known to law. No costs. Consequently, the connected writ miscellaneous petition is closed.

14.08.2024

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

1.The Secretary to the Government (Tourism),
Department of Industrial Development (Tourism),
Government of Puducherry.

2.The Under Secretary to the Government (Tourism),



W.P.No.21304 of 2010

Department of Industrial Development (Tourism),
Government of Puducherry.

M.DHANDAPANI, J.

sp

3.The Director,
Department of Tourism,
Government of Puducherry.

W.P.No.21304 of 2010

14.08.2024