



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.12.2024

Pronounced on : 20.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6463 of 2021

and

W.M.P.Nos.7042, 7043 & 7046 of 2021

S.J.Mansoor Ali

.. Petitioner

Vs.

1.The General Manager (P-III)
State Industries Promotion Corporation of
Tamil Nadu Limited,
19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore,
Chennai – 600 023.

2.The General Manager,
Aavin, Ayanavaram,
Chennai – 600 023.

3.The Project Officer,
State Industries Promotion Corporation of
Tamil Nadu Limited, Project Office,
SIPCOT Industrial Complex,
On NH-5, (GNT Road),
Gummidipoondi Post – 601 201.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Lr.No.PO/SIC/GPD/Aavin/2020-21 dated 04.03.2021 and to quash the same and consequently, direct the respondents forbearing not to evict the petitioner from running his business at Plot No.CP-1 measuring 0.43 acres in Gommidipoondi Industrial Complex, Gummidipoondi without following the due process of law.

For Petitioner .. Ms.A.L.Gandhimathi, Senior Counsel
For Mr.Prashanth Nadaraj

For Respondents .. Mr.J.Ravindran,
Additional Advocate General,
Assisted by Ms.R.Revathi

ORDER

This writ petition has been filed in the nature of a Certiorarified Mandamus calling for the records of the 3rd respondent, the Project Officer, State Industries Promotion Corporation of Tamil Nadu Limited at SIPCOT Industrial Complex, Gummidipoondi in proceedings dated 04.03.2021 and to quash the same and direct the respondents not to evict the petitioner from running his business at Plot No.CP-1 measuring 0.43 acres in Gummidipoondi Industrial Complex without following due process of law.



2. In the affidavit filed in support of the writ petition, it had been stated that the General Manager, Aavin, Thiruvallur District in proceedings dated 26.06.2015 had recommended permission to be given to the petitioner to open a Aavin Milk Parlour at the SIPCOT. The 3rd respondent by proceedings dated 06.07.2015, had granted conditional permission and had directed that the petitioner can run the Aavin Parlour within their premises and allotted plot No.CP-1 measuring 0.43 acre. He also attended an interview. He claimed that the procedure to allot the plots was not conducted in a lawful manner. He therefore filed W.P.No.18083 of 2020 seeking a direction that he should not be evicted. In the meanwhile, on 04.03.2021, the impugned order was passed directing him to remove the milk parlour. It was under those circumstances that the writ petition has been filed.

3. On the side of the respondents, it was informed that the writ petition filed by the petitioner in W.P.No.18083 of 2020 had been dismissed by a learned Single Judge of this Court by order dated 13.07.2023. The learned Single Judge had held as follows in the said writ petition:



“6.At the end of the day, the petitioner as an agent of Aavin do not share any privity of relationship or contract with the first respondent. He was only an agent of Aavin and licence was given to the Aavin by the first respondent to set up its parlour. When Aavin does not want to parlour to continue, the petitioner cannot claim a right de hors against his agency with the second respondent.

7.In conclusion, this court does not find that the petitioner has a legal right to sustain his contention and this court does not see that the first respondent is in breach of any of its duties against law.

8.Accordingly, the writ petition is dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.”

4.It had been further informed that, by proceedings dated 22.06.2023, the General Manager, Aavin, Thiruvallur District had stated that the petitioner was granted licence only from 19.08.2020 to 18.08.2021. It had therefore been contended on behalf of the respondents that the petitioner is in unlawful occupation of the Aavin Parlour.



WEB COPY 5.I have carefully considered the arguments advanced.

6.The petitioner had been allotted Aavin Parlour shop in the SIPCOT Industrial Complex, Gummidipoondi, for a limited period of one year from 19.08.2020 and 18.08.2021. Thereafter, he had no right to continue to run the Aavin Parlour. He had earlier filed W.P.No.18083 of 2020 seeking a restraint against the respondents from evicting him. That writ petition had been dismissed by a learned Single Judge of this Court by order dated 13.07.2023. The petitioner continued to be in occupation. He has no right to continue to be in occupation. The place where he is running the bunk shop had been duly allotted to another allottee. His licence to run the Aavin Parlour has long expired. The Writ Petition filed in W.P.No.18083 of 2020 had also been dismissed. The petitioner has filed the present Writ Petition to somehow or the other continue to occupy the plot. He has no right to occupy the plot.

7.In view of the above reasons, this Writ Petition stands dismissed.
No costs. The respondents are at liberty to take possession of the portion



occupied by the petitioner forthwith. They are also permitted to collect the outstanding rent payable by the writ petitioner in manner known to law.

Consequently, connected Writ Miscellaneous Petitions are closed.

20.12.2024

Index: Yes/No

Internet: Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes / No

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To

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