



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.6769 of 2021

and

W.M.P.Nos.7320, 7322 & 7324 of 2021

and

W.M.P.No.19455 of 2021

Maasen Enterprises,
Rep. by its Proprietor,
C.Gopalakrishnan,
No.713, Tamil Nadu Housing Board,
North Sipcot Road,
Pappankuppam,
Gummidipoondi

.. Petitioner

Vs.

1.The Managing Director,
State Industries Promotion Corporation of
Tamil Nadu Limited,
19-A, Rukmani Lakshmipathi Road,
Egmore,
Chennai – 600 008.

2.The General Manager,
State Industries Promotion Corporation of
Tamil Nadu Limited,
19-A, Rukmani Lakshmipathi Road,
Egmore,
Chennai – 600 008.



3.The Project Officer,
State Industries Promotion Corporation of
Tamil Nadu Limited,
19-A, Rukmani Lakshmipathi Road,
Egmore,
Chennai – 600 008.

4.M/s.KSR World Class Resources Private Limited,
No.7, Meenakshi Amman Nagar,
Thirumudivakkam,
Chennai – 44.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Order of Allotment dated 30.11.2020 in Ref.No.P.II/SICG/KSR/2020 of the 1st respondent herein and the Lease Deed dated 01.03.2021 executed in favour of the 4th respondent and quash the same and consequently, direct the respondents 1 to 3 to allot the Commercial Plot Nos.CP-1, CP-2, CP-6 and CP-7 by following due process.

For Petitioner .. Ms.A.L.Gandhimathi, Senior Counsel
For Ms.A.A.Kanmani

For R1 to R3 .. Mr.M.P.Rajavelayutham

For R4 .. Mr.M.Jothikumar

**ORDER**

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This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the Order of Allotment dated 30.11.2020 in Ref. No.P.II/SICG/KSR/2020 of the 1st respondent, the Managing Director, State Industries Promotion Corporation of Tamil Nadu Ltd., Chennai and the Lease Deed dated 01.03.2021 executed in favour of the 4th respondent, M/s.KSR World Class Resources Private Limited and to quash the same and direct the 1st to 3rd respondent to allot the commercial Plot Nos.CP-1, CP-2, CP-6 and CP-7 by following due process.

2.In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner is a Partnership Firm, carrying on business in Manpower Services, Restaurant and Industrial Catering Business etc. The petitioner sought to have an outlet for centralized kitchen in SIPCOT at Gummidipoondi. The petitioner approached the respondents in the year 2014 and made a request on 26.12.2014. The petitioner again made another application in January 2015. Later, the 2nd respondent had issued a direction to the Project Manager to invite tenders for leasing out the canteen building.



The petitioner was informed that there were four commercial plots available in SIPCOT Industrial Complex, Gummidipoondi. The petitioner had paid the initial deposit and processing fees and had also informed that the application will be processed and the outcome will be informed in due course. The petitioner also attended the interview through video conferencing. On 18.01.2021, the petitioner was informed that the status of land allotment application was closed. It was contended that without following due procedure, the four plots measuring 1.08 acres in CP-1, CP-2, CP-6 and CP-7 had been allotted to the 4th respondent on lease for a total period of 99 years by letter of allotment dated 30.11.2020 and later a lease deed had been executed for a total sum of Rs.1,23,88,950/-. The Writ Petition has been filed seeking to quash the said allotment and the lease.

3. There had been an order of interim injunction granted on 17.03.2021. W.M.P.No.19455 of 2021 had been filed by the 1st respondent to vacate the order of interim injunction. In the affidavit filed in support of the said petition filed by the Assistant General Manager (Legal) of the State Industries Promotion Corporation of Tamil Nadu Ltd., Chennai, it had been stated that the plots in SIPCOT Industrial Complex are let out on lease for



99 years with an option for renewal for another 99 years. It had been stated that applications are scrutinized by an Allotment Committee consisting of the Managing Director as Chairman and the Executive Director, General Manager (Project – I) i/c, General Manager (Project – II) i/c, General Manager (Project – III) i/c and Consultant (Environment) as Members. It had been stated that the applicants are called for interview to explain about the project and how they were going to implement and how many employments are generated and to set up a factory. It had been contended that the tender, is not issued, but a Lease Deed is executed.

4. It had been stated that the petitioner had submitted an application through on-line on 07.11.2020 for allotment of plot at SIPCOT Industrial Park, Gummidipoondi to set up a canteen to provide food for 500 numbers at an estimated cost of Rs.67.45/- Lakhs and to provide employment to 25 persons. Their choice of plot was CP-2 measuring 0.20 acre. It had been contended that the proposal was placed before the Allotment Committee and a meeting was held on 16.12.2020. The proprietor of the concern attended the meeting through video conferencing and explained about their project. But however, since the plot had already been allotted to the 4th respondent,



M/s.KSR World Class Resource Pvt. Ltd., on 30.11.2020 who had attended the meeting on 12.11.2020, the Committee had closed the application of the petitioner. This was also informed to the petitioner. The petitioner was directed to furnish a stamped receipt to claim the initial deposit.

5.It had been contended that the 4th respondent had applied on 06.11.2020 for allotment of four plots namely, CP-1 measuring 0.43 acre, CP-2 measuring 0.20 acre, CP-6 measuring 0.20 acre and CP-7 measuring 0.20 acre totally measuring 1.08 acres. All the applicants who had applied between 30.09.2020 and 06.11.2020 were called for interview through video conference on 12.11.2020. The 4th respondent was allotted the plots by allotment order dated 30.11.2020.

6.It had been contended that the petitioner had applied for plot No.CP-2 measuring 0.20 acre on 07.11.2020. He was called for interview in the next batch on 16.12.2020. The petitioner was informed that the plot had already been allotted. It had therefore been stated that the Writ Petition should be dismissed. It had been further stated that due procedure had been followed and there was complete transparency in the allotment. It had therefore been stated that the interim injunction granted should be vacated.



7. Notice had been directed to the 4th respondent. The learned counsel entered appearance but did not file counter but argued the case. The learned counsel for the 4th respondent stated that the 4th respondent had promised that they would provide employment and since they satisfied all the conditions, the 4th respondent had been allotted the four plots. It had been contended that the 4th respondent had invested substantially and therefore, the balance of convenience is in favour of the 4th respondent. It was urged that the Writ Petition should be dismissed.

8. I have carefully considered the arguments advanced and perused the records.

9. This is a very strange case where the State Industries Promotion Corporation of Tamil Nadu Ltd., appears to have a policy of opaqueness rather than transparency in allotment of plots. There were four plots to be allotted in SIPCOT Complex Gummidipoondi. The plots were CP-1 measuring 0.43 acre, CP-2 measuring 0.20 acre, CP-6 measuring 0.20 acre and CP-7 measuring 0.20 acre totally measuring 1.08 acres. Applications had been invited for allotment of the said plots. The petitioner had applied



on 07.11.2020. The applications were bunched into two separate groups.

The first bunch was those applicants who had applied between 30.09.2020 and 06.11.2020. The process of allotment was by an interview conducted through video conferencing. The Allotment Committee was the Managing Director as Chairman and the Executive Director, General Manager (Project – I) i/c, General Manager (Project – II) i/c, General Manager (Project – III) i/c and Consultant (Environment) as Members.

10.The 4th respondent had been incorporated only on 30.09.2020. They had no previous experience. They are a mysterious organization. They had suddenly surfaced on 30.09.2020. They applied for allotment of four plots on 06.11.2020.

11.The applicants who had applied on 07.11.2020 were put in a separate group. Those who had applied between 30.09.2020 and 06.11.2020 including the 4th respondent were bunched into one group. The 4th respondent was called for an interview. There are no records to show what transpired during the interview. There are no records to show that the 4th respondent was better qualified than those who had been interviewed and



those who had applied from 30.09.2020 till 06.11.2020. The 4th respondent was allotted all the four plots and a Lease Deed for a period of 99 years had been executed. The entire issue is extremely suspicious.

12. Though the petitioner had applied for one of the plots a mock interview was conducted even though that particular plot had already been allotted to the 4th respondent. The petitioner was informed that the plot had been allotted to the 4th respondent and that therefore, his application stood closed. There is no rationale as to how there could be determination of allotment even before examining all the applicants.

13. The 4th respondent was granted allotment by a letter of allotment on 30.11.2020. The interview for those who had applied from 06.11.2020 including the petitioner was conducted on 11.12.2020. There is no explanation given whether the offer of any of the applicants who had applied on and from 07.11.2020 were better from the 4th respondent, and if better, whether the respondents would have rejected the 4th respondent.



14.The entire process has been conducted only to favour the 4th respondent. The respondents have dealt with not only the lands of SIPCOT but also compromised their own conscience. The names of those who had conducted the interview had not been disclosed. The list of those who had been called for interview had not been disclosed. There is no reason why the 4th respondent was chosen over and above others who had applied. It is not known why the tender process was not followed. The provisions of the Tamil Nadu Tenders Transparency Act, were not followed and were not even considered.

15.The Writ Petition naturally has to succeed. The allotment in favour of the 4th respondent will have to be set aside. The lease deed is only a piece of paper and is declared to have no value at all.

16.In view of the above reasons, this Writ Petition stands allowed. The allotment and lease of the plots to the 4th respondent is cancelled. No costs. The petition in W.M.P.No.19455 of 2021 to vacate injunction is dismissed. Other connected Writ Miscellaneous Petitions are closed.



17.A direction is given to the respondents to cancel the lease deed in favour of the 4th respondent forthwith and enter the same in the registers of the Sub-Registrar office where the lease was registered. If the 4th respondent had taken possession of the plots, the respondents must take steps immediately to evict them.

20.12.2024

Index:Yes/No

Internet:Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes / No

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