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W.P. No. 8987 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 8987 of 2021

and

W.M.P. Nos. 9512 and 9515 of 2021

United Roofing Systems (South India) Private Limited,
(A Company registered under the Indian Companies Act, 1956),
Represented by its Director, Katreddi Koteswara Rao,
G-1, Surya Arcade,
Plot No. 8, Patwari Enclave,
Opp. IDPL Colony,
Hyderabad - 500 037.

... Petitioner

-VS-

1. The Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited,
(A Government of Tamil Nadu Undertaking),
19-A, Rukmani Lakshmipathy Road,
Post Box No. 7223,
Egmore,
Chennai - 600 008.

2. The Project Officer,
State Industries Promotion Corporation of Tamil Nadu Limited,
(A Government of Tamil Nadu Undertaking),
Project Office: SIPCOT Industrial Complex,
Ranipet - 632 403,
Ranipet District.

3. The Estate Officer,
State Industries Promotion Corporation of Tamil Nadu Limited,
(A Government of Tamil Nadu Undertaking),
Project Office: SIPCOT Industrial Complex,
Ranipet - 632 403,
Ranipet District.

...

Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records the impugned order dated 10.02.2021 in Letter No. P-I/RPT/URSSIPL/2011 on the file of the First Respondent and the consequential eviction notice PO/RPT/United Roofing/2021 dated 15.03.2021 on the file of the Third Respondent and direct the Respondents to grant extension of six months time to the Petitioner for erection of shed to commence the work/project in the site.

For Petitioner : Mr. R.Rajarajan

For Respondents : Mr. V.Ravi,
Special Government Pleader

O R D E R

Heard Mr. R.Rajarajan, Learned Counsel for the Petitioner and Mr. V.Ravi, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner was allotted Plot No. S-26 measuring an extent of 1.00 acre situated in SICPTO Industrial Complex, Ranipet, Phase-III by the First Respondent in Proceedings No. D-I/RPT/URSSIPL/2011 dated 18.01.2012, and



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a lease-deed dated 09.03.2012 registered as Document No. 2030 of 2012 in the office of the Sub-Registrar, Walaja Nagar, was executed for the same between the parties. Since the Petitioner did not respond to the show cause notices dated 10.02.2020 and 23.09.2020 sent to him, the said allotment was cancelled by the First Respondent by Proceedings No. P-I/RFT/URSSIPL/2011 dated 10.02.2021 for breach of condition no. 3 (viii) of the allotment order and clause nos. 17 and 18 of the said lease-deed, which mandates that the allottee has to commence production within 30 months from the date of allotment order. In view of the fact that the Petitioner did not vacate from the said premises, the Third Respondent as the Estate Officer under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (hereinafter referred to as 'the TNPP Act' for short), then sent notice in Form-A under Rule 3 of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Rules, 1978 (hereinafter referred to as 'the TNPP Rules' for short) to show cause within 10 days as to why an order of eviction should not be passed against him under Section 4 of the TNPP Act. The cancellation of the allotment of the industrial plot in Proceedings No. P-I/RFT/URSSIPL/2011 dated 10.02.2021 passed by the First Respondent and the consequential show cause notice in Form-A for eviction in Notice No. PO/RPT/United Roofing/2021 dated 15.03.2021 sent by the Third Respondent are challenged in this Writ Petition.



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3. The Hon'ble Supreme Court of India in the decision in ***Indu Kakkar -vs- Haryana State Industrial Development Corporation Ltd.*** [(1999) 2 SCC 37] has highlighted that the allotment making authority would be justified in resuming the plot from the allottee who cannot claim any right to remain in occupation without performing his obligation to utilize that property for industrial purpose for which avowed object it has been established. Viewed from this perspective, the Petitioner has not been able to demonstrate any flaw in the decision-making process leading to the cancellation of the allotment of industrial plot in Proceedings No. P-I/RFT/URSSIPL/2011 dated 10.02.2021 warranting interference by this Court in the exercise of its discretionary powers under Article 226 of the Constitution.

4. Insofar as the Notice No. PO/RPT/United Roofing/2021 dated 15.03.2021 sent to the Petitioner by the Third Respondent is concerned, it is evident that it is merely a show cause notice issued to him. The consistent legal position has been reiterated by the Hon'ble Supreme Court of India in ***Union of India -vs- Kunisetty Satyanarayana*** [(2006) 12 SCC 28] that a charge memo or show cause notice cannot be challenged before the completion of enquiry and the proceedings cannot be interdicted till it reaches its logical conclusion. It would



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be useful here to extract the relevant passages from the said decision which read

as follows:-

*“13. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge sheet or show-cause notice vide **Executive Engineer, Bihar State Housing Board -vs- Ramdesh Kumar Singh** [JT 1995 (8) SC 331], **Special Director -vs- Mohd. Ghulam Ghouse** (AIR 2004 SC 1467), **Ulagappa -vs- Divisional Commissioner, Mysore** [2001(10) SCC 639], **State of U.P. -vs- Brahm Datt Sharma** (AIR 1987 SC 943) etc.*

14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may



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drop the proceedings and/or hold that the charges are not established. It is well settled that a writ lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance.

15. Writ jurisdiction is discretionary jurisdiction and hence such discretion under Article 226 should not ordinarily be exercised by quashing a show-cause notice or charge sheet.

16. No doubt, in some very rare and exceptional cases the High Court can quash a charge-sheet or show-cause notice if it is found to be wholly without jurisdiction or for some other reason if it is wholly illegal. However, ordinarily the High Court should not interfere in such a matter.”

Having due regard to the aforesaid legal position, as there is nothing which precludes the Petitioner from raising the contentions in the Writ Petition in reply



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to be submitted to the Third Respondent, who is bound to deal with the same before coming to any ultimate conclusion, there is no necessity for the Court to interfere at this pre-mature stage of the matter.

5. In such circumstances, this Court without expressing any view on the merits of the controversy involved in the matter, passes the following order:-

- (i) the Proceedings No. P-I/RFT/URSSIPL/2011 dated 10.02.2021 passed by the First Respondent is upheld;
- (ii) it shall be incumbent upon the Petitioner to submit his explanation to the show-cause notice in Notice No. PO/RPT/United Roofing/2021 dated 15.03.2021, if not done already, to the Third Respondent within 15 days from the date of receipt of copy of this order;
- (iii) in the event of not being satisfied with the explanation submitted by the Petitioner, an enquiry shall be conducted following the prescribed procedure after affording full opportunity of personal hearing to the Petitioner to explain his position in that regard and a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (iv) if any adverse decision is taken, the Petitioner may pursue legal remedies



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in accordance with law.

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In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

vjt

To

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P.D. AUDIKESAVALU, J.

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