



W.P. Nos. 9914 and 11071 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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

W.P. Nos. 9914 and 11071 of 2021

and

W.M.P. Nos. 10528 and 11715 of 2021

M/s. Pivotix Software (P) Ltd.
(Formerly M/s. Yantro Software (P) Ltd.
Rep. By its Managing Director – Mr. P.R.Karuppiah
Having Registered office at
No. 8/2, 1st Floor, Pertho Street
Royapettah, Chennai – 600014.

... Petitioner in both W.P.s

-VS-

1. The Government of Tamil Nadu
Rep. By its Secretary to Government
Industries Department
Fort St. George, Chennai – 600009.
2. The Principal Secretary /
Chairman & Managing Director
State Industries Promotion Corporation
of Tamil Nadu Limited – (SIPCOT)
10-A, Rukmani Lakshmipathy Road
Egmore, Chennai – 600009.
3. The Estate Officer
SIPCOT Information Technology Park
Padur Post, Siruseri
Chengalpattu District – 603103.
4. The District Collector
Office of the District Collector
Chengalpattu – 603001.



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5. The District Revenue Officer
Office of the District Revenue Officer
Chengalpattu – 603001.

6. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Chengalpattu – 603001.

... Respondents in both W.P.s

Prayer in W.P. No. 9914 of 2021:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of cancellation of allotment passed by the Second Respondent vide Letter No. P-II/SITPS/YSPL/83/2008 dated 03.03.2021 and quash the same and consequential proceedings of eviction issued by the Third Respondent in Letter No. PO/SITP/Siruseri/Yantro/2021 dated 23.03.2021 as null and void and direct the Respondents to give the time extension to continue the process of construction work.

Prayer in W.P. No. 11071 of 2021:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the Third Respondent vide Ref. No. PO/SITP/YANTRO/2021 dated 16.04.2021 for the eviction of the plot allotted to the Petitioner by the Second Respondent vide allotted order No. D-I/ITP/YSPL/2008 dated 18.03.2008 and to quash the same.

For Petitioner
in both W.Ps : Mr. R.Kannan

For Respondents : Mr. P.Ganesan, AGP (RR1, 4 to 6)
in both W.Ps Mr. R.Gunalan (RR2 & 3)



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COMMON ORDER

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Heard Mr. R.Kannan, Learned Counsel for the Petitioner, Mr. P.Ganesan, Learned Additional Government Pleader appearing for the First, Fourth to Sixth Respondents, and Mr. R.Gunalan, Learned Counsel appearing for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner (which was earlier known as 'Yantro Software Pvt. Ltd.) was allotted Plot No. 20/A-31, measuring an extent of 1 acre situated in SIPCOT Information Technology Park, Siruseri by Proceedings dated 18.03.2008 by the Respondent and a lease deed dated 18.07.2008 was executed for the same between the parties registered as Document No. 5985 of 2008 in the office of the Sub-Registrar, Thiruporur and possession of that plot was also handed over to it on the same date. Since the Petitioner did not carry out the obligations undertaken in some of the conditions in the said allotment order and some of the clauses of that lease deed, despite lapse of more than 5 years, the Respondent by Proceedings in P-II/SITPS/YSPL/83/2008 dated 03.03.2021 cancelled the allotment of the said plot and required the Petitioner to execute the surrender deed within 15 days from the date of its receipt failing which it



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has informed that the plot would be resumed under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 (hereinafter referred to as 'the TNPP Act' for short), which is assailed in the Writ Petition in W.P. No. 9914 of 2021.

3. The Respondent by Proceedings in No. PO/SITP/YANTRO/2021 dated 16.04.2021 informed the Petitioner to vacate from the premises on or before 11.30 a.m. on 28.04.2021 by surrendering the plot to its Estate Officer, failing which it would be evicted from the plot and that the plot would be resumed on that date following the procedure under Section 5 of the TNPP Act. The said order has been challenged in the Writ Petition in W.P. No. 11071 of 2021 and this Court at the time of its admission on 29.04.2021 had directed the eviction proceedings alone to be kept in abeyance till the next hearing.

4. The Petitioner has not been able to demonstrate any error in the decision-making process leading to the impugned orders warranting interference by this Court in the exercise of its discretionary powers under Article 226 of the Constitution. That apart, 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



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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, when the Petitioner has not availed the various opportunities granted by the Respondent to commence industrial activities in the entire plot, no useful purpose would be served by keeping the unutilized portion idle without taking any action for the eviction of the Petitioner from there.

5. In the Counter-Affidavits filed by the Second Respondent in these Writ Petitions, it has been explained that allotment of plots made to similarly placed persons, who have not completed construction / commenced production for more than 7 years, have been cancelled and representations to reconsider such decision has been entertained only from those of them who have come forward to pay the differential cost of land and continue with their commencement of production, meaning thereby that the Petitioner would have to either pay a differential cost of Rs. 1,40,00,000/- and comply with the aforesaid essential requirements or surrender possession of the land to the Second Respondent. In view of the same, it is made clear that if the Petitioner complies with the said requirements along with payment of the entire amount of land cost determined



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by the Second Respondent by 30.06.2024, the Second Respondent may extend

the said benefit to the Petitioner, failing which action for resumption of the plot in furtherance of the impugned orders may be taken in accordance with law.

In the result, these Writ Petitions are dismissed with the aforesaid observations. Consequently, connected Miscellaneous Petitions are closed. No costs.

26.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 22.05.2024.

Maya

To

1. The Secretary to Government of Tamil Nadu
Industries Department
Fort St. George, Chennai – 600009.
2. The Principal Secretary /
Chairman & Managing Director
State Industries Promotion Corporation
or Tamil Nadu Limited – (SIPCOT)
10-A, Rukmani Lakshmipathy Road
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P.D. AUDIKESAVALU, J.

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