



W.P.No.15033 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15033 of 2020

and

W.M.P.Nos.18726 & 18727 of 2020

M/s.Frendi Fashions Pvt. Ltd.,

... Petitioner

Vs.

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

... Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, calling for the records relating to the Proceedings of the respondent in SP/ AP/ IRU/ Frendi / 2004 dated 2-3-2020 in respect of Plot No.K -22 and K- 23 SIPCOT Industrial Park Irungattukottai, Sriperumbudur Taluk, Kancheepuram District, quash the same and direct the respondent to extend the time invoking clause 32 of the lease deed.



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For Petitioner : Mr.K.Moorthy

For Respondent : Mr.P.Raja Velayutham

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ORDER

The grounds raised in the present writ proceeding and the relief sought for is no more res integra since it has been decided by this Court in a batch of writ petitions in ***W.P.No.14877 of 2020 etc., dated 24.09.2021***. This Court has elaborately considered the issues and passed following orders:

“44. In view of the above discussion, this court is of the view that the specific contentions raised by the learned counsel for the respective petitioners have been properly addressed by the learned Advocate General and the scheme suggested by SIPCOT is fully acceptable. Therefore, this court feels appropriate that the writ petitions can be disposed of with the following observation:~

i) The petitioners have to opt either to surrender the lands allotted to them and get refund of the amount paid by them after deducting the amount deductible as per the prevailing policy of SIPCOT; (OR)

ii) if the petitioners are willing to retain the lands allotted to them despite such a long delay in implementing



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the project, they shall make payment of the penalty proposed by SIPCOT as indicated in the above mentioned table in 12 equal monthly instalments commencing from the 1st of the English Calendar month from the date of this order and also undertake to implement the project immediately and commence the commercial production within such period of 12 months;

iii) in case the petitioners fails to adhere to the above condition of making regular payment of monthly instalment of penalty or implementing the project within the stipulated period of 12 months, the SIPCOT will have every right to cancel the allotment without any reference to the court;

iv) in the event of surrendering of a part of unused land, the petitioners will have to pay the penalty, if any, after adjusting the amount payable to the petitioners as per the prevailing policy of SIPCOT and they are also bound by the above mentioned conditions for payment of penalty, implementation of the project and the default clause.

In the result, the writ petitions are disposed of with the above observation. No costs. The connected Miscellaneous Petitions are closed. “

2. The case of the writ petitioner also is directed to be considered on



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the same line as directed by this Court in the judgement cited supra. The said exercise is directed to be done as expeditiously as possible.

3. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

11.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

The Managing Director,
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S.M.SUBRAMANIAM. J.,

(sha)

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