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W.A. No.2308 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 05.08.2024

DELIVERED ON: 05.09.2024

CORAM:

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No. 2308 of 2024

and CMP. No.16217 of 2024

P.S.Kavitha

.. Appellant/Petitioner

Vs

1.Tamil Nadu Small Industries
Development Corporation Limited (TANSIDCO),
Represented by its Chairman & Managing Director,
Thiruv-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.

2.The Branch Manager,
TANSIDCO,
Administrative Office Building,
Women Industrial Park Vellanur Post,
Thirumullaivoyal, Chennai – 600 062.

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 06.10.2023 in W.P.No.23422 of 2023.



W.A. No.2308 of 2024

For Appellant : Mr.V.Raghavachari,
Senior Counsel for
Ms.Gopika Nambiar

For Respondents : Mr.S.Karthikei Balan

J U D G M E N T

(Judgment of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

This Writ Appeal has been preferred by the unsuccessful writ petitioner who approached this Court challenging the order of cancellation of the allotment in favour of the appellant and the consequential notice issued under the Tamil Nadu Public Premises (Eviction of Unauthorised Occupants) Rules,1978.

2. We have heard Mr.V.Raghavachari, learned Senior Counsel appearing for Ms. Gopika Nambiar and Mr.S.Karthikei Balan, learned counsel for the respondents. We have also gone through the records, including the order passed by the learned single Judge.

3. According to learned Senior Counsel Mr.V.Raghavachari, the appellant has always been willing to utilize the plot allotted to her, by setting



up an industry and only because of intervening demonetization and subsequent COVID, the construction activities could not be taken up by the appellant. The further grievance of the petitioner is that despite suggesting a time schedule and seeking necessary accommodation, the respondents without considering the same, have cancelled the allotment, in violation of the principles of natural justice.

4. Per contra, the learned counsel for the respondents, Mr.Karthikei Balan, would submit that that there is no infirmity in the order passed by the learned single Judge as the appellant has violated the conditions of the allotment, by keeping the plot vacant even after taking possession, without utilizing it by setting up an industry and even after expiry of 11 years, the plot remains vacant.

5. The learned Senior Counsel appearing for the appellant would submit that the appellant is willing to even pay the differential plot cost in view of passage of time and suitable orders could be passed in this regard.

6. Considering the fact that the petitioner had responded to the show



cause notices dated 28.10.2021 and 04.07.2022 by replies dated 08.12.2021 and 26.07.2022, submitting a schedule to commence and complete construction and the fact that the impugned order came to be passed on 05.06.2023 without considering the representations made by the appellant and also taking into account the exceptional circumstances viz., demonetization and COVID-19 pandemic, we feel that the appellant can be afforded an opportunity to comply with the conditions of allotment, subject to payment of the differential plot cost. Accordingly, we directed the first respondent to provide the differential cost for the land allotted in favour of the appellant and also necessary conditions that have to be fulfilled by the appellant. In compliance with the same, the first respondent has filed an affidavit on 09.08.2024 stating that the appellant would have to pay the differential plot cost of Rs.20,59,900/- (Rs.45,76,800/- (-) Rs.25,16,900/-) in respect of 13.54 cents which amount is arrived at after adjusting Rs.25,16,900/- already paid by the appellant. It is also submitted that the maintenance charges to a tune of Rs.14,157/- is also liable to be paid.

7. The conditions that are described by the respondents are that:

(i) the petitioner/appellant has to utilize the plot immediately and has



to commence production within a period of 3 months;

(ii) The appellant has to produce 3 years Income Tax Returns and Bank Account statements to prove her financial capacity; and

(iii) In the event of the appellant failing to commence full production of the Industry unit in the plot allotted to her, then the appellant shall have to surrender the plot to TANSIDCO immediately after the expiry of 3 months on her own volition and file a necessary declaration affidavit in that regard and shall not seek further extension of time in any account whatsoever. The differential plot cost to be paid to the appellant shall also stand forfeited and no refund can be made.

8. Considering the peculiar facts and circumstances of the case, we deem it fit to afford an opportunity to the appellant to comply with the allotment conditions, subject to payment of Rs.20,59,900/- (Rs.45,76,800/- (-) Rs.25,16,900/-) within two (2) weeks from the date of receipt of the copy of this order, along with an additional sum of Rs.14,157/- towards maintenance charges due. It is also made clear that the appellant shall commence production on or before 01.01.2025.



9. The appellant shall also produce her 3 years Income Tax Returns and Bank Account statement to show her financial capacity. It is made clear that in the event of the appellant failing to commence full production of the Industrial unit in the plot on or before 01.01.2025, then the appellant shall voluntarily surrender the plot to TANSIDCO without any demur or protest. It is also made clear that the appellant shall not seek any further extension of time on any account whatsoever. It is also made clear that in the event of the appellant not complying with any of the conditions herein above, after payment of differential plot cost within a period of two (2) weeks, then the amount so paid by the appellant to the respondents shall stand forfeited and the petitioner shall not be entitled to seek refund of the same.

10. We also make it clear that the order is being passed only considering the extraordinary special circumstances of the case and also because of the scheme itself being proposed to promote women entrepreneurs and also in the light of the intervening demonetization and COVID-19 pandemic situation. It is therefore made clear that this order shall not be cited as a precedent in other cases. The order of the Writ Court is set aside and the Writ Appeal is disposed of in light of the above directions.



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Consequently, connected Miscellaneous Petition is closed. No costs.

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(D.K.K., A.C.J.,) (P.B.B.J.,)

05.09.2024

Internet: Yes/No
Index : Yes/No
Speaking Order/Non Speaking Order
rkp

To
Tamil Nadu Small Industries
Development Corporation Limited (TANSIDCO),
Represented by its Chairman & Managing Director,
Thiruv-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.



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W.A. No.2308 of 2024

THE HON'BLE ACTING CHIEF JUSTICE

and

P.B.BALAJI, J.

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Pre-delivery Judgment in

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