



WEB COPY



WA.No.1982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WA.No.1982 of 2024
and
CMP.No.14165 of 2024

Arohae Serve Private Limited
Represented by its Authorised Signatory
Mr.Chandrasekhar Prameshwaran
Registered Office at 26 (Old No.16) Norton Road,
Mandaveli, Chennai-600 028.

... Appellant

-Vs-

1. The State Industries Promotion Corporation of Tamil Nadu Ltd.,
(A Government of Tamil Nadu Undertaking),
Represented by its Chairman and Managing Director,
No.19-A, Rukmani Lakshmipathy Road,
Post Box No.7223
Egmore, Chennai-600 008.
2. The Estate Officer,
SIPCOT Information Technology Park,
Egattur Village, Padur Post,
Thiruporur Taluk,
Chengalpattu District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to
set aside the order dated 02.02.2024 made in WP.No.781 of 2021.



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For Appellant : Mr.Kumarpal Chopra

For Respondents : Mrs.R.Revathi for R1 & R2

J U D G M E N T

*[Judgement of the Court was made by **R.SUBRAMANIAN, J**]*

The appellant came to this Court invoking the extraordinary jurisdiction under Article 226 of The Constitution of India, challenging the cancellation of allotment made by the first respondent.

2. The appellant was allotted a piece of land measuring about 1 acre and 11 cents in the SIPCOT Information Technology Park, at Siruseri for a 99 years lease. The allotment was made on 24.05.2005. Of course, subject to certain conditions. One of the conditions was as follows:-

viii.	Implementation of the project/commercial production	Within 30 months from the date of this order. Failure will entail cancellation of allotment and forfeiture of initial deposit and development charges paid towards the extent allotted.
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3. Admittedly, the appellant did not comply with the said condition.

After prolonged correspondence, the appellant was visited with an order of cancellation in the year 2013. However, the SIPCOT again extended an olive branch to the appellant subject to certain conditions. The conditions were that the appellant should commence the construction activities within six months and construction work should be completed within one year. Even that was not complied with. Further time was sought for by the appellant and the SIPCOT sought for a concrete schedule for implementation. Though a schedule was submitted by the appellant on 23.07.2018, nothing progressed and hence, by the order impugned in the writ petition, SIPCOT cancelled the allotment. The Writ Court dismissed the writ petition finding that there has been total violation of the conditions of allotment and even after time was extended in the year 2018, the petitioner did not come forward to complete the constructions within the extended time. On such finding, the Writ Court dismissed the writ petition. Aggrieved, the appellant is before us.

4. We have heard Mr.Kumarpal Chopra, learned counsel for the appellant and Mrs.R.Revathi, learned counsel appearing for SIPCOT.



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5. Mr.Kumarpal Chopra, learned counsel appearing for the appellant would contend that the order for cancellation was passed during the peak of pandemic and now the appellant is ready to implement the project. We do not think we can accept the said submission. The allotment was made in 2005. The condition was that commercial production should be commenced within 30 months. Admittedly, the said condition was not complied with. The allotment was cancelled in the year 2013. However, SIPCOT agreed to extend the time even within the extended time, nothing was done by the appellant and it is almost 19 years after the allotment, the appellant now offers to complete the project. If we are to even consider such request, it will amount to a bad precedent. Even while extending the time in 2013, the SIPCOT made it clear that the construction activities should be begun within six months and it should be completed within one year. It is not the case of the appellant that something was done pursuant to the said order dated 26.02.2013. It is admitted that the plot remains vacant as of today without any construction and no activity is being carried on there. The very object of establishing a IT Park is to provide employment opportunity to the needy and also to improve the economy. If such plot in a prime Industrial Estate is kept vacant for nearly 19 years, the petitioner has to be blamed squarely for negligence. The appellant



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has not complied with the requirements of the order made in February 2013.

Hence, we are not able to fault the Writ Court for having dismissed the writ petition.

6. The Writ Appeal fails and it is accordingly dismissed. However, it is open to the appellant to seek fresh allotment if the SIPCOT puts up the land for allotment in future. No costs. Consequently, connected CMP is also closed.

[R.S.M., J] [C.K., J]
02.01.2025

Index : No
Internet: Yes
Speaking Order
NCC : No
kmi

To

1. The Chairman and Managing Director,
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(A Government of Tamil Nadu Undertaking),
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