



W.A.No.2461



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 02.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.2461 of 2022

and

C.M.P.No.19181 of 2022

M/s.Itian Info Labs Pvt Ltd.,
Rep. by its Managing Director,
K.Sankara Rao, S/o.K.Venkateswaralu,
No.3-A, Corporation Colony,
Kodambakkam, Chennai – 600 024.

... Appellant(s)

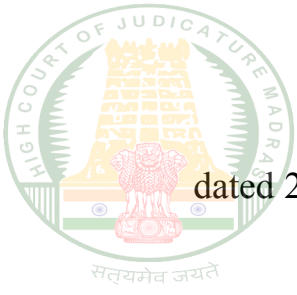
Vs.

1. The State Industries Promotion Corporation of Tamil Nadu Limited,
Rep. by its Chairman and Managing Director,
No.19-A, Rukmani Lakshmipathy Road,
Post Box No.7223, Egmore, Chennai – 600 008.

2. The Senior Project Manager,
SIPCOT, Information Technology Park,
Navalur Post, Siruseri,
Kancheepuram District – 603 103.

... Respondent(s)

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order



dated 22.07.2022 made in W.P.No.31396 of 2007.

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For Appellant(s) : Ms.M.Ananthi for
Mr.G.Ethirajulu

For Respondent(s) : Mr.K.Palaniappan

J U D G M E N T

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

The present intra-court appeal has been instituted to assail the writ order dated 22.07.2022 made in W.P.No.31396 of 2007.

2. It is not in dispute that an industrial plot was allotted in favour of the appellant/ writ petitioner on 23.04.2004 by the SIPCOT in Information Technology Park, Navalur, Siruseri, Kancheepuram District. One of the condition imposed in the allotment order is that building construction must be commenced within a period of six months from the date of allotment. However, during inspection, the authorities found that the building construction had not been commenced. Thus, the allotment made on 23.04.2004 was cancelled on



23.11.2006.

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3. The learned counsel for the appellant would mainly contend that there was a delay in handing over the plot by the respondent to the appellant. The plot was handed over on 21.09.2005 and, therefore, the respondents cannot insist the appellant to commence the construction within a period of six months. Further, it is contended that the appellant had made some progress in the construction activities. Even then, the respondents had cancelled the allotment.

4. The learned counsel for the respondent would oppose by stating that, even presuming that there was a delay, after handing over also, the appellant failed to commence the construction. The allotment was cancelled only on 23.11.2006 and, even as per the appellant, possession was handed over on 21.09.2005 and, therefore, they have not commenced the construction within a period of six months as stipulated in the allotment order.

5. An agreement was signed between the parties on 23.11.2006, and Clause 18 of the lease deed clearly stipulates that the allottee has to commence construction within a period of six months, and in the event of failure to



commence construction within the stipulated period, the allotment order will be cancelled. The said agreement, along with the clauses and covenants agreed are binding on the parties.

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6. This being the factum, there is no scope for resuming the allotment at this length of time. Therefore, this court does not find any infirmity in respect of the writ order impugned in the present writ appeal. Consequently, the writ appeal stands dismissed. Connected miscellaneous petition is closed. No costs.

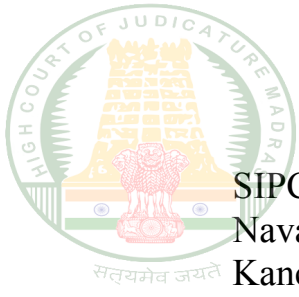
(S.M.S.,J.) (C.S.N.,J.)
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Index : Yes

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