



W.P.(MD)No.4392 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4392 of 2025

and

W.M.P.(MD)No.3146 of 2025

Umayal Senthil,
Proprietrix of M/s.Umayal Engineering,
14/28, BHEL Apartments, Mudukku Street,
Williams Road, Cantonment,
Trichy - 620 001.

... Petitioner

-VS-

1.Tamil Nadu Small Industries Development Corporation Ltd.,
Paul Wells Road,
Kathipara Junction, Chennai - 600 016,
Through its General Manager.

2.The Estate Officer Cum Branch Manager,
Valavanthankottai Estate,
Tamil Nadu Small Industries Development Corporation Ltd.,
Ariyamangalam,
Trichy - 620 010.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings dated 04.02.2025, passed by the second respondent in Proc.No. 1564/A/2005 and quash the same.



W.P.(MD)No.4392 of 2025

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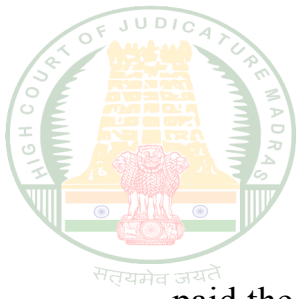
For Petitioner : Mr.M.P.Senthil
For Respondents : Mr.T.Sakthikumaran
Standing Counsel

ORDER

This writ petition has been filed seeking to quash the impugned proceedings of the second respondent in Proc.No.1564/A/2005, dated 04.02.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The petitioner submits that the respondents developed a Women's Industrial Park at Valavanthankottai Village, Tiruchirappalli District and Plot No. RO4, measuring 1.235 acres, was allotted to the petitioner by an order dated 09.02.2006. Pursuant to the allotment, the petitioner approached Bharat Heavy Electricals Ltd. (BHEL) to establish the unit. However, BHEL officials informed the petitioner that in order to commence an ancillary unit supplying materials to BHEL, the unit area should be not less than 3 acres. Hence, the petitioner was unable to obtain the necessary orders from BHEL. On 31.03.2011, the petitioner

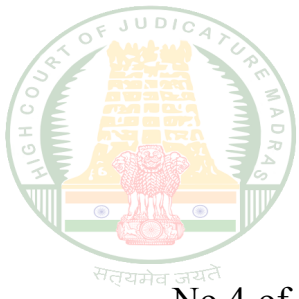


W.P.(MD)No.4392 of 2025

paid the full sale price of Rs.10,06,812/-. Due to certain difficulties, the petitioner could not start the unit immediately. However, after receiving the full sale price, the second respondent unexpectedly cancelled the plot allotment on 06.08.2024, citing non-utilization of the plot.

4. The petitioner further submits that the respondents, without considering the petitioner's request for an extension to set up the unit, passed an eviction order on 22.04.2015, directing the petitioner to vacate the plot. Aggrieved by the same, the petitioner filed a suit for declaration in O.S.No.540 of 2015 before the Additional District Munsif Court, Tiruchirappalli. Initially, the respondents did not contest the suit and an *ex-parte* decree was passed on 05.04.2017. Subsequently, in 2020, the respondents filed an application to set aside the *ex-parte* decree and submitted a written statement.

5. According to the respondents, the suit filed before the civil court is not maintainable due to the restriction under the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975, which prevents a civil court from entertaining such suits. Therefore, the petitioner filed an application in I.A.

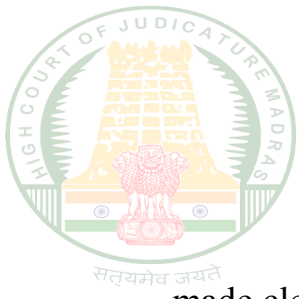


W.P.(MD)No.4392 of 2025

No.4 of 2023 in O.S.No.540 of 2015 under Order 7 Rule 10-A read with Section 151 of the C.P.C., seeking to return the plaint to be presented before the appropriate forum. Instead of returning the plaint, the trial Court wrongly dismissed the suit on 02.09.2024, granting liberty to exhaust the remedy under the aforementioned Act. The learned trial judge also excluded the period between the filing of the suit and the date of disposal when calculating the limitation for filing the appeal. The petitioner then filed an appeal, C.M.A.Sr.No.10814 of 2024, before the Principal District and Sessions Court, Tiruchirappalli, against the second respondent. Despite the same, the second respondent issued an eviction notice on 04.02.2025. Hence, the petitioner has filed this Writ Petition.

5. Heard both sides.

6. Considering the facts and circumstances of the case, this Court directs the learned Principal District and Sessions Judge, Tiruchirappalli, to number the appeal filed by the petitioner in C.M.A.Sr.No.10814 of 2024 and dispose of the same within a period of three months from the date of receipt of this order. In the interregnum, the respondents shall maintain status quo prevailing as on date. It is



W.P.(MD)No.4392 of 2025

made clear that this Court has not expressed any opinion on the merits of the case, and it is open to the learned Principal District and Sessions Judge, Tiruchirappalli, to decide the case on its own merits and pass appropriate orders, uninfluenced by any observations made in this order.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
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18.02.2025

Copy to:-

The Principal District and Sessions Judge,
Tiruchirappalli.

To:-

1. Tamil Nadu Small Industries Development Corporation Ltd.,
Paul Wells Road,
Kathipara Junction, Chennai - 600 016,
Through its General Manager.
2. The Estate Officer Cum Branch Manager,
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W.P.(MD)No.4392 of 2025

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W.P.(MD)No.4392 of 2025

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