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W.P.No.12801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.12801 of 2022

and

W.M.P.Nos.12260 & 12264 of 2022

S.Umadevi

Proprietrix M/s. Sri Karpaga Vinayagar Electrodes.

...Petitioner

Vs.

1 The Managing Director
SIPCOT 19-A Rukmani Lakshmipathy Road
Post Box No.7223, Egmore Chennai – 600 008.

2 The Assistant General Manager
SIPCOT 19-A Rukmani Lakshmipathy Road
Post Box No.7223, Egmore, Chennai- 600 008.

3 The Project Director
SIPCOT Industrial Park
Nilakkottai Dindigul.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for records from the file of the 1st respondent pertaining to the impugned order bearing No. P-III/SIP/Sri Karpaga Vinayagar/2022 dated 06.5.2022 and quash the same as illegal, incompetent, irregular and unconstitutional and further direct the Respondents to Allot the Plot C-31, measuring about 2 Acres at Nilakkottai Industrial Park Dindigul District.



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For Petitioner : Mr.Abhinav Parthasarathy

For Respondents : Mr.K.Palaniappan

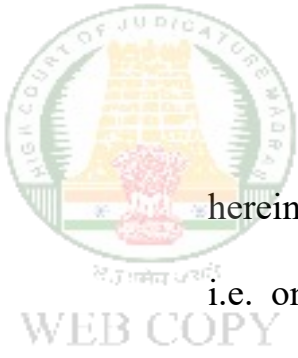
Order

Heard Mr.Abhinav Parthasarathy, learned counsel appearing for the petitioner and Mr.K.Palaniappan, learned counsel for the respondents.

2. This Writ Petition is filed seeking for the following prayer:-

To quash the impugned order dated 06.5.2022 and further to direct the Respondents to Allot the Plot C-31 measuring about 2 Acres at Nilakkottai Industrial Park, Dindigul District.

3. Learned counsel for the petitioner would submit that initially, an allotment order was passed in the name of the petitioner on 27.05.2021 for a sum of Rs.18,17,600/- requiring the petitioner to make the entire amount within a period of 30 days; that the petitioner vide a letter dated 14.06.2021 requested the first respondent to grant further time to make payment, which was rejected vide reply dated 23.06.2021; that against such denial, the petitioner has filed a Writ Petition before the Hon'ble Madurai Bench of this Court in W.P.(MD) No.10848 of 2021; that the Madurai Court vide order dated 09.07.2021 allowed the Writ Petition and directed the first respondent



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herein to give ninety (90) days to the petitioner from the date of allotment, i.e. on 27.05.2021 for making payment; that the petitioner was not in a position to make payment, since the Bank, where, the petitioner has sought for loan facility, has delayed in sanctioning the loan; that therefore, the petitioner approached the Madurai Court once again by way of filing W.P. (MD) No.15231 of 2021 seeking for extension of time; that the said Writ Petition was disposed of vide order dated 01.09.2021 and the first respondent was directed to give 30 days to the petitioner, i.e. till 30.09.2021 to make the payment..

3.1 The learned counsel appearing for the petitioner would submit that due to Covid-19, which was peak at that point of time, the petitioner could not make the payment within the time prescribed, as the Bank had to consume time on account of the difficulties faced by the World; that as and when, the loan was sanctioned by the Bank, the petitioner immediately approached the respondents to make such payment, however, the respondents did not accept the payment, which necessitated the petitioner to file one more Writ Petition, viz., W.P.(MD)No.541 of 2022 and despite the fact that this Court disposed of the said Writ Petition by preserving the



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right of the petitioner to participate in the auction and to submit her application, in which case, SIPCOT shall consider the application of the petitioner on its own merits and in accordance with law', the first respondent has given least importance to the petitioner by placing her in last place, whereas, three participants were given first priority.

3.2 It is further contended by the learned counsel for the petitioner that had the first respondent placed the petitioner as a first applicant, certainly, the petitioner would have been successful applicant and won the allotment order, however, since the petitioner has been given last priority, and the three other applicants have been given first priority, one Black Forest has been declared as the successful applicant.

3.3 Therefore, the learned counsel for the petitioner finally contended before this Court that the first respondent acted in an arbitrary and discriminatory manner against the petitioner, who, on account of she being a Woman Entrepreneur having faced with financial loss due to Covid-19 has been finding difficult to mobilize funds and make the payment within time and that the delay is neither wilful nor wanton but due to the aforesaid



reasons and hence, pleaded before this Court to grant one more last and final indulgence.

4. *Per contra*, the learned counsel for the respondents would submit allotment was issued in favour of the petitioner on 27.05.2021, wherein, it is clearly stated that the payment should be made within 30 days from the date of receipt of such allotment order; that the petitioner instead of making the payment in time sought for extension of time before the first respondent, which was rightly denied, however, as against the denial of such request, she filed a Writ Petition before this Court in W.P.(MD) No.10848 of 2021 and despite this Court's order directing her to make payment within 90 days, which expires on 27.08.2021, she failed to make payment within the prescribed period and filed another Writ Petition seeking for extension of time.

4.1 The learned counsel for the respondents further submitted that even after obtaining one months to make the payment, she did not come forward to make the payment within one time, which expired on 30.09.2021 citing the reason that the Bank, where, the petitioner has sought for loan,



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sanctioned the loan belatedly; that the petitioner once again filed a W.P.(MD) No.541 of 2022; that during the pendency of the Writ Petition, applications for allotment of the said plot was invited once again and the allotment order dated 27.05.2021 made in favour of the petitioner has been cancelled vide order dated 13.10.2021; that though the Writ Petition filed by the petitioner for third time was disposed of permitting the petitioner to submit her application and the participate in the auction, the petitioner was allowed to take part in the auction as fourth applicant, as there are three fresh applicants, and since the petitioner was a defaulter, she was given such last priority; that in the said auction, one Black Forest was considered as a successful applicant, and therefore, allotment order was issued in their favour and they having paid the entire amount, in-principle allotment was granted to them.

4.2 Therefore, it is submitted that the petitioner has remained a Chronic defaulter in making the payment right from the day one of the Allotment Order dated 27.05.2021 and has been seeking for extension of time under some pretext or the other; that despite several opportunities granted to the petitioner, enabling her to make the payment, the petitioner failed to utilize



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such opportunities, therefore, requested this Court not to show any leniency and prays for dismissal of the same.

5. I have given due consideration to the submissions made on either side and perused the materials placed on record.

6. There is no dispute on the aspect that the petitioner was initially given an Allotment Order dated 27.05.2021 for a period of 99 years, for a sum of Rs.18,17,600/- and was directed to make the said amount within a period of 30 days on or before 25.06.2021. However, the petitioner vide letter dated 14.06.2021 requested the first respondent to grant further time, which was negatived. Aggrieved by the same, the petitioner has filed a Writ Petition before the Hon'ble Madurai Bench of this Court in W.P.No.10848 of 2021 (First W.P.) contending that generally, the respondent-SIPCOT used to grant 90 days time for the allottee to make the payment. The said Writ Petition was disposed of vide order dated 09.07.2021 and the first respondent was directed to grant 90 days from the date of allotment, so as to enable the petitioner to make the payment.



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6.1 Thus, the petitioner in compliance of the said direction, ought to have made the payment on or before 27.8.2021. Despite the same, the petitioner has not made any payment but once again filed Writ Petition in W.P.(MD) No.15231 of 2021 requesting for extension of time citing the reason that the Bank, where, the petitioner applied for loan facility has not yet sanctioned the loan. This Court vide order dated 01.09.2021 disposed of the Writ Petition by granting one month's time. It is to be noticed that the such benefit of extension was granted to the petitioner with a rider that if the petitioner fails to make the payment within one month's time, which expires on 30.09.2021, the first respondent was at liberty to cancel the allotment order dated 27.05.2021. Even thereafter, the petitioner was not able to make the payment within the time and approached the first respondent belatedly, since the time was over, the first respondent has rightly not considered the petitioner's case.

6.2 Feeling aggrieved, the petitioner approached this Court by filing W.P.(MD) No.541 of 2022 (Third W.P.) seeking for a mandamus directing the first respondent to accept the demand draft for the said sum and to consider her representation dated 31.12.2021 and to grant time to make



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payment. During the pendency of the Writ Petition, applications for allotment of the said plot was invited by the respondent-SIPCOT once again and the allotment order dated 27.05.2021 made in favour of the petitioner has been cancelled vide order dated 13.10.2021.

6.3 Though the learned counsel for the petitioner has been harping on the aspect the Writ Petition filed by the petitioner for the third time was disposed of by preserving the rights of the petitioner to participate in the auction by submitting a fresh application, such an observation was made by the Hon'ble Madurai Bench by taking into consideration of the vital aspect that the petitioner's earlier allotment order dated 27.05.2021 was cancelled on 13.10.2021 and therefore, she was allowed to participate in the auction by submitting fresh application. In this connection, it would be apposite to refer to the operative portion of the order passed by the Hon'ble Madurai Bench of this Court in W.P.(MD)No.541 of 2022 dated 02.02.2022, which is extracted below:-

“Therefore, considering the facts and circumstances of the case as a one off matter which will not serve as a precedent, it is made clear that the writ petitioner can also submit her application and if that be



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so, SIPCOT shall consider the application of writ petitioner also on its own merits and in accordance with law. To be noted, this one off measure is inter-alia owing to the prior judicial order made by another Hon'ble Single Judge and bona fides shown by writ petitioner in coming up with the demand draft albeit with delay. In other words, SIPCOT shall not cite this writ petition or the proceedings herein as a ground to disqualify the writ petitioner. In all other aspects, writ petitioner's application for allotment will be considered on its own merits.”

6.4 The first respondent, though in compliance of the direction issued by the Hon'ble Madurai Bench, as stated supra, has permitted the petitioner to participate in the auction, the first respondent, who was mindful of the fact that the petitioner had been a chronic defaulter right from the day one of the allotment order dated 27.05.2021, rightly allowed the petitioner to participate as participant, and given first priority to three other applicants, amongst whom, the M/s.Black Forest Company was declared as a successful participant. Therefore, the contention of the learned counsel for the petitioner that the first respondent has acted in an highly arbitrary and discriminatory manner by giving least priority to the petitioner does not hold water for the reason, the default made by the petitioner was taken into

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account by the first respondent at the time of auction. Added to that, the petitioner failed to instil confidence in the mind of the first respondent by her repeated default in making the payment.

6.5 Thus, by virtue of the order passed by the Hon'ble Madurai Bench of this Court in W.P.(MD)No.541 of 2022 dated 02.02.2022, though the petitioner was allowed to take part in the auction by submitting her application that *per se* would not give any vested right to the petitioner to become entitled for an allotment order as a matter of right, as there are three other applicants, who took part in the auction and amongst them, one M/s.Black Forest Company was declared as successful applicant and since they paid the entire consideration, in-principle allotment was granted. Therefore, I do not find any error or illegality in the decision making process of the first respondent in having given last priority to the petitioner.

7. Further, this Court finds the petitioner not only to be a chronic defaulter as stated by the first respondent, but also to be a continuous litigant, who has been in the habit of filing litigation followed by litigation and the present Writ Petition is her fourth attempt, wasting the precious time of the



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Court, for which, though this Court thought it fit to impose cost on her reprimanding her actions for having caused much hindrance to the Court, however, taking into consideration of the fact that she being a woman entrepreneur, is not inclined to do so.

6. In the result, this Writ Petition is dismissed as being devoid of merit. No costs. The interim injunction granted by this Court in W.M.P.No.12264 of 2022 stands vacated. Consequently, the said Miscellaneous Petition and also other Miscellaneous Petition are closed.

10.03.2026

sd

Index : yes/no

Neutral Citation : yes/no

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Krishnan Ramasamy,J.,

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