

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/9/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.26652 of 2015

Veejay Lakshmi Textiles Limited
rep. By its Managing Director
Sengalipalayam
N.G.G.O Colony P.O
Coimbatore 641 022. ...Petitioner

Vs

1. The Director of Town and
Country Planning
Opposite to LIC
Chengalvarayan Building
IV Floor
807 Anna Salai
Chennai 600 002.
2. The Regional Deputy Director
Office of the Deputy Director of
Town and Country Planning
Corporation Commercial Complex
II Floor
Dr. Nanjappa Road
Coimbatore.
3. The President
Thekkampatti Village Panchayat
Mettupalayam Taluk
Coimbatore District 641 113. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified mandamus to call for the records of the second respondent in its notice dated 23/7/2015 in ROC No.168/2015-CR4, quash the same and consequently forbear the respondents from taking any action against the factory of the petitioner located at Thekkampatti Village, Karamadai Panchayat Union, Mettupalayam Taluk, Coimbatore District.

For petitioner : Mr.R.Krishnamurthy,
Senior Counsel
for Mr.A.Jenasenan

For respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI,J.,)

With the consent of the parties, the writ petition is taken up for final disposal.

2. The case of the petitioner is that the building in question was duly approved by the third respondent/President, Thekkampatti Village Panchayat, Mettupalayam Taluk, Coimbatore District, during the year 2006 - 2007. Vide communication dated 11 August, 2014, the third respondent called upon the petitioner to obtain approval from the first respondent/Local Planning Authority for the aforesaid building. The petitioner sent a detailed reply dated 27 August, 2014 to the third respondent stating that the planning approval for factory buildings is required only under the Tamil Nadu Panchayats Act, 1994 and not under the Tamil Nadu Town and Country Planning Act, 1971 (for short "the Act"). On 22 January, 2015, the second respondent issued a notice under Sections 56 and 57 of the Act, calling upon the petitioner to produce the approved plan in original for verification purpose. Even though, the petitioner has filed a detailed explanation along with the said approved plan, the impugned order has been passed by the second respondent, without advert to all the objections raised by the petitioner.

3. The learned Senior Counsel appearing for the petitioner would submit that one more opportunity may be given to the petitioner to produce all the relevant documents which are in possession of the petitioner enabling the respondents to take a reasoned decision on the issue and pass final orders.

4. In response, the learned Special Government Pleader appearing for the respondents submits that the authority concerned/second respondent will examine the entire issue afresh, in the light of the aforesaid submissions and take a consequential decision on merits and in accordance with law.

5. Accordingly, two weeks' time is granted to the petitioner to make a fresh representation and four weeks thereafter, is granted to the second respondent to take a final decision, on merits and in accordance with law. It is needless to state that no coercive steps shall be taken by the authorities, till final decision is taken on the issue in question.

6. The writ petition stands disposed of with the above direction. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs.

To

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Mettupalayam Taluk
Coimbatore District 641 113.

+1cc to M/s. A. Jenasanen, Advocate, S.R.No.50325

+1cc to the Government Pleader, S.R.No.50487

RSI (CO)
EU(1/10/2015)

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