

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.18604 of 2016

T.Chithra

... Petitioner

Vs.

1. The Director of Town and Country Planning,
No.807, PT LEE Chengalvarayanan Naicker Building,
Anna Salai, Opposite :LIC,
Chennai - 2.
2. The Deputy Director of Town and Country Planning
Coimbatore Region, Dr. Nanjappa Road,
Corporation Shopping Complex,
Coimbatore - 18.
3. The Member Secretary,
Tiruppur Local Planning Authority,
No.275, Kamaraj Road,
Agri Co-operative Society.
Tiruppur - 614 604.
4. The President,
Somavarappatti Village Panchayat,
Gudimangalam Block,
Pethappampatti, Udumalpet Taluk,
Tiruppur District.
5. The Tahsildar,
Udumalpet Taluk,
Udumalpet, Tiruppur District.
6. The Block Development Officer,
Gudimangalam Panchayat Union,
Somavarappatti, Udumalpet Taluk,
Tiruppur District.

7. Sangeetha

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issue of Writ of Mandamus, directing the respondents 1 to 6 to consider and pass orders on merits by disposing the written representation made by the petitioner on 09.05.2016 within a stipulated time.

For Petitioner : Mr.C.Prakasam
For Respondent Nos.1, 2 & 5 : Mrs.P.Rajalakshmi
Government Advocate
For Respondent No.3 : Mr.P.Chinnadurai
Government Advocate
For Respondent Nos.4 & 6 : Mr.R.Govindasamy,
Special Government Pleader
For Respondent No.7 : Mr.S.R.Raghunathan

O R D E R

The petitioner is running a poultry farm in the land comprised in Survey No.368/B, Pethappampatti Village, Udumalpet Taluk, Tiruppur District, after obtaining permission from the Village Panchayat. The said poultry farm is stated to be located far away from the Village and the petitioner is running for the past five years. The seventh respondent, who is having lands 200 metres away from the petitioner's poultry farm is allegedly prevented the petitioner from running the poultry farm stating that the sixth respondent is going to develop a layout in her land comprised in Survey Nos.466/1 and 466/2, Somavarapatti Village, Pethappampatti. Therefore, the petitioner made a representation to the respondents 1 to 6 on 09.05.2016 requesting not to grant layout approval in favour of the seventh respondent and preventing the seventh respondent from converting the agriculture land as layout plots. Since no order has been passed, the petitioner has come before this Court to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 09.05.2016.

2.Heard Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents 1, 2 and 5; Mr.P.Chinnadurai, learned Government Advocate appearing for the third respondent; Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents 4 and 6; and Mr.S.R.Raghunathan, learned counsel appearing for the seventh respondent.

3.An affidavit has been filed by the seventh respondent stating that she would not object the poultry farm being run by the petitioner. Paragraph 3 of the affidavit is as follows :

3.The present writ petition is based on an unnecessary apprehension. I have not/do not intend to object the poultry farm being run by the Petitioner.

4.The second respondent, the Deputy Director of Town and Country Planning has filed a counter affidavit stating that the layout permission granted to the seventh respondent is away from 305 metres. Paragraph 7 of the counter affidavit is extracted as follows:

"7.It is respectfully submitted that the averments of the petitioner that is layout permission granted to the petitioner it would cause loss to his poultry farm is imaginary moreover there is 305 meters distance between the residential layout and poultry farm and there is no merit on the petitioner averments. Hence the writ petition filed by the petitioner is not maintainable either in law or on facts and is liable to be dismissed."

5.From the counter affidavit filed by the second respondent, it is clear that the petitioner's poultry farm is located at 305 meters away from the residential layout to the seventh respondent and the seventh respondent has also filed an undertaking affidavit that she would not intend to object the poultry farm being run by the petitioner. This undertaking would not only bind on the seventh respondent and all the future purchasers of plots from the seventh respondent also.

6.With the above observation, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

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5. The Tahsildar,
Udumalpet Taluk,
Udumalpet,
Tiruppur District.

6. The Block Development Officer,
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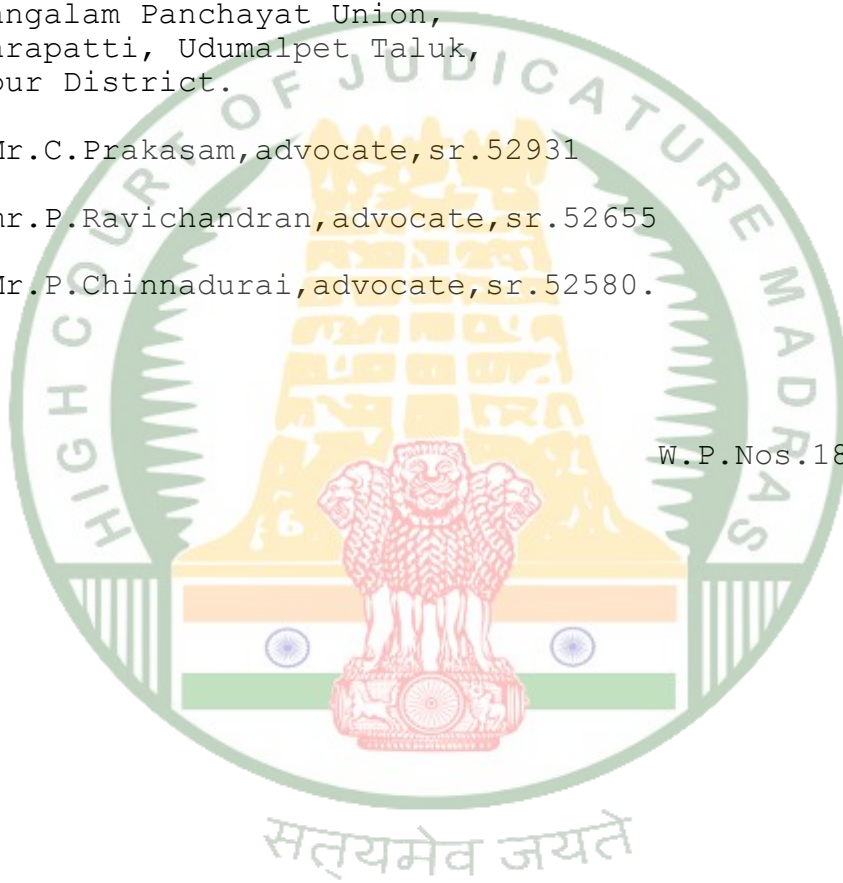
+1 cc to Mr.C.Prakasam,advocate,sr.52931

+1 cc to mr.P.Ravichandran,advocate,sr.52655

+1 cc to Mr.P.Chinnadurai,advocate,sr.52580.

trm(co)
krd 27/9

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