

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2018

CORAM

THE HONOURABLE MR. JUSTICE S. BASKARAN

W.P. No. 13135 of 2018

&

W.M.P. No. 15440 of 2018

1. M/s.Ambika Vyapar
rep. by Managing Director,
Door No.82, GV Building,
Peruvoyal Village,
Kavarapet Post,
Gummidipoondi Taluk,
Tiruvallur District - 601 206.
 2. Tmt. Selvi ..Petitioners
- Vs.
1. The District Collector,
Collectorate, Master Plan Complex,
NH 205, Thiruvallur 602 001.
 2. The Deputy Director
Town and Country Planning
Thiruvallur District,
No. 43/397A, 2nd Floor,
Indira Gandhi Road,
Rajajipuram Phase II,
Thiruvallur 602 001.
 3. The Executive Engineer,
Public Works Department,
WRO, Araniyar Basin Division,
Chepauk, Chennai 600 005.
 4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur 602 001. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to process and dispose of the application of the petitioner dated 20.11.2015 seeking permission for conversion of land, within a time frame to be fixed by this Court.

For Petitioners:: Mr.S. Saisathy Ajith

For Respondents:: Mr.V. Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st respondent to process and dispose of the application of the petitioner dated 20.11.2015 seeking permission for conversion of land, within a time frame to be fixed by this Court.

2. The facts of the case, in brief, are as follows:

The 1st petitioner is a "Plastics Re-Cycling Unit" located at lands in S.No. 164/1A, 1B, measuring an extent of 0.35 cents, in Peruvoyal Village. The lands are owned by the 2nd petitioner and the 1st petitioner had taken the land on rental for setting up the said unit. The Unit had obtained necessary permission and it is also assessed for tax by the authorities regularly. During the setting up of the unit, an application was proposed to the Tamil Nadu Pollution Control Board and the authorities had advised the petitioners to obtain a "land use" certificate from the local authorities. Pursuant to the same, the petitioners obtained information from the 2nd respondent that the lands were "unclassified" as per their records and that they continued to be treated as described in the title documents of the land, namely, Nanjai lands and thus, there arose a necessity to apply for conversion of the said lands. The Unit was also required to obtain "No Objection" certificate from the 1st respondent. By application dated 20.11.2015, the 2nd petitioner, being the owner of the land, applied for "No Objection" certificate for conversion of the said lands. Thereafter, the 4th respondent had made orders for processing the said application and directed inspection by the authorities concerned. Subsequently, the lands were inspected by the 2nd respondent and by proceedings dated 15.12.2016, the 2nd respondent had recommended for grant of "No Objection" certificate while stating that the lands qualified for all criteria for conversion also. Likewise, an inspection was caused by the 3rd respondent, who, by order dated 12.05.2017, also recommended for conversion as per the norms of DTCP. However, no orders were passed on the application submitted by the petitioner. In the meanwhile, based on false complaints, the TNPCB had issued a show cause notice to the Unit, for which a reply has also been sent. Since no orders have been passed on the application submitted by the 2nd petitioner, as early as in the year 2015, for conversion of the lands in question, in spite of inspection and recommendation made by the 2nd and 3rd

respondents, the petitioners have come forward with the present writ petition for the relief aforesaid.

3. Heard the learned counsel on either side.

4. Considering the limited scope of the relief sought, without going into the merits of the claim made by the petitioners, the writ petition is disposed of directing the 1st respondent to consider the application submitted by the petitioners on 20.11.2015 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
Collectorate, Master Plan Complex,
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2. The Deputy Director
Town and Country Planning
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3. The Executive Engineer,
Public Works Department,
WRO, Araniyar Basin Division,
Chepauk, Chennai 600 005.

4. The District Revenue Officer,
Thiruvallur District,
Thiruvallur 602 001.

+1 CC to Govt. Pleader sr 34426.

+1 CC to Mr.S. Saisathyajith, Advcate sr 34478.

W.P. No. 13135 of 2018

RJI (CO)
SP(07/06/2018)