

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.04.2018
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.Nos.5955 of 2015 & 27656 of 2014
and
M.P.No.2 of 2014

M/s.Virukashalaya Green Fuel Co Ltd.,
Rep. By its Managing Director, P.Chinnadurai,
440/1, 146 Chettpalayam Industrial Area,
Chettpalayam, Coimbatore District. ...Petitioner
(in both W.Ps)
Versus

- 1.The Executive Officer,
Chettpalayam Town Panchayat,
Coimbatore - 641 201.
...(Respondent in
W.P.No.5955 of 2015 /
1st Respondent in W.P.No.27656
of 2014)
- 2.Tmt.Uma Rani,
President,
Chettykulam Town Panchayat,
Chettykulam, Coimbatore.
- 3.The District Collector,
Coimbatore District, Coimbatore.
- 4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South, Coimbatore.
- 5.Member Secretary,
Coimbatore Local Planning Authority,
Commerce Block, Sivananda Colony,
Coimbatore - 12.
- 6.The Director of Town & Country Planning,
Chennai.

(Respondents 2 to 6
in W.P.No.27656 of 2014)

Prayer in W.P.No.5955 of 2015:

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent to pass orders on the representation made by the petitioner dated 30.12.2014 for issue of planning permission approved by the Local Planning Authority, Coimbatore for the

factory constructed by the petitioner in Survey No.440/1, Chettypalayam Village within a reasonable time.

Prayer in W.P.No.27656 of 2014:

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, calling for the records relating to the resolutions passed by the respondents 1 & 2 in Resolution No.9/2014 dated 29.1.2014 and Resolution No.50/2014 dated 26.5.2014 and quash the same and further direct the respondents 1 and 2 to grant planning permission to the petitioner's industry by passing necessary Resolution.

For Petitioner : Mr.M.Muthappan
(in both W.Ps)

For Respondents :Mr.P.Chinnadurai, Government Advocate
(Respondent in W.P.No.5955 of 2015 /
1st Respondent in W.P.No.27656 of 2014)

Mr.V.Shanmuga Sundar,
Special Government Pleader,
for R3, R5 & R6
(in W.P.No.27656 of 2014)

Mrs.Rita Chandrasekar, for R4
(in W.P.No.27656 of 2014)
No appearance for R2
(in W.P.No.27656 of 2014)

C O M M O N O R D E R

The writ petition in W.P.No.5955 of 2015 has been filed seeking for issuance of writ of mandamus, directing the respondent to pass orders on the representation of the petitioner dated 30.12.2014, for issue of planning permission approved by the Local Planning Authority, Coimbatore, for the factory constructed by the petitioner in Survey No.440/1, Chettypalayam Village.

2.The writ petition in W.P.No.27656 of 2014, has been filed seeking for issuance of writ of certiorarified mandamus, to call for the records relating to the resolutions passed by the respondents 1 & 2 in Resolution No.9/2014 dated 29.1.2014 and Resolution No.50/2014 dated 26.5.2014 and quash the same and further direct the respondents 1 and 2 to grant planning permission to the petitioner's industry by passing necessary Resolution.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that due to complaints of the general public, the petitioner has already decided to close the existing business and go for a new one for which necessary permission is to be granted by the respondents.

5. The learned Special Government Pleader and the learned counsel for the fourth respondent submitted that, if the petitioner comes with fresh planning permission application, it would be considered in accordance with law.

6. Recording the submissions made by the learned counsels on either side, these writ petitions are disposed of as no further adjudication is required. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Executive Officer,
Chettypalayam Town Panchayat,
Coimbatore - 641 201.
- 2.The President
Chettykulam Town Panchayat,
Chettykulam, Coimbatore.
- 3.The District Collector,
Coimbatore District, Coimbatore.
- 4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Coimbatore South, Coimbatore.

5.Member Secretary,
Coimbatore Local Planning Authority,
Commerce Block, Sivananda Colony,
Coimbatore - 12.

6.The Director of Town & Country Planning,
Chennai.

+2 ccs to Mr.P.Chinnadurai Advocate sr 24927,24926

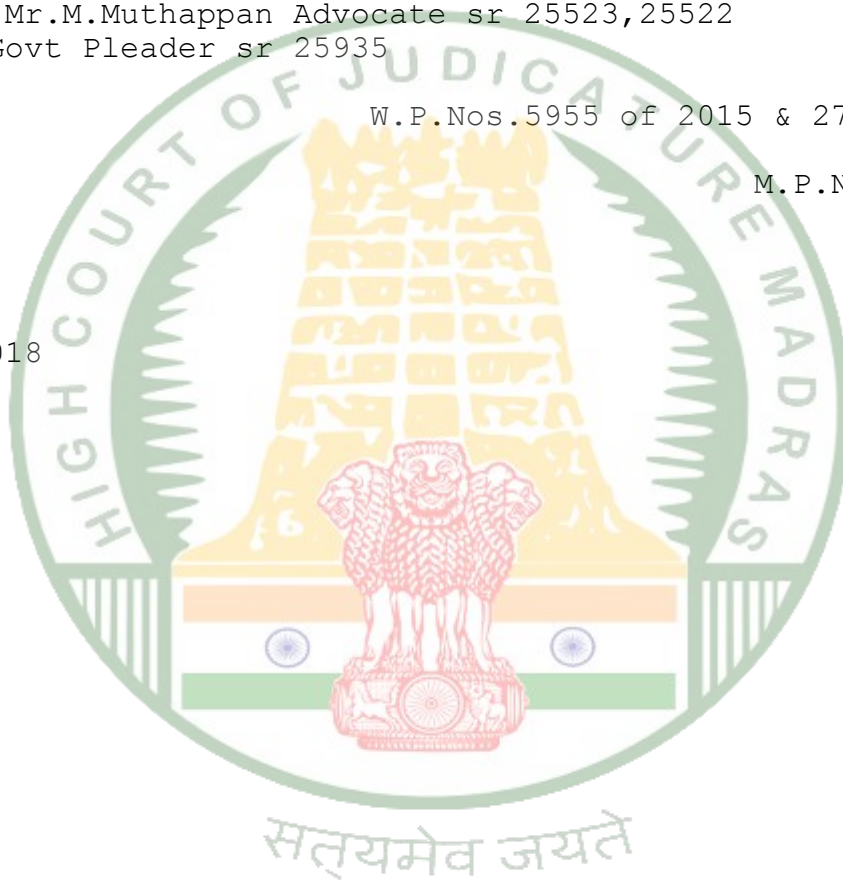
+1 cc to M/s.Rita Chandrasekar Advocate sr 24883

+2 ccs to Mr.M.Muthappan Advocate sr 25523,25522

+1 cc to Govt Pleader sr 25935

W.P.Nos.5955 of 2015 & 27656 of 2014
and
M.P.No.2 of 2014

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