

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE D.KRISHNAKUMAR

W.P. No.1828 of 2019

R.Shanmugasundaram

.. Petitioner

Vs.

1.The State of Tamilnadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Member Secretary,
Local Planning Authority,
Dr.Nanjappa Road,
Corporation Complex,
Coimbatore.

4.The Block Development Officer,
Sulur Panchayat Union
Sulur,
Coimbatore District

5.The President,
Kallapalayam Village Panchayat,
Sulur,
Coimbatore District

6.N.Karunambikai

7.N.Jeevanandam

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to forthwith consider and pass orders on the petitioner's representation dated 26.11.2018 in accordance with law.

For Petitioner : Mr.P.Saravana Sowmiyan
For RR1 to3 : Mr.V.Shanmuga Sundar, Spl.GP
For R4 : Mr.D.Suriyanarayanan
For R5 : No Appearance
For RR6 & 7 : Dr.S.R.Kalyani P.Durairaju

O R D E R

By consent of both parties, this Writ petition is taken up for final disposal.

2. According to the petitioner, he set up a Stone Crushing Unit under the name and style of M/s.Geetha Blue Metal and running successfully for the past 18 years in S.F.No.172/1A, situated at Peedampalli Village, Coimbatore District. According to the petitioner, he made a representation on 26.11.2018 to the third respondent not to consider the regularization of the unapproved lay outs proposed to be formed by the sixth and the seventh respondents within the distance of 50 meters from the petitioner's Stone Crushing Unit and Quarry since an approval to form layouts cannot be entertained and granted within the prohibited distance of 500 meters as contemplated by the Tamil Nadu Pollution Control Board. However, no action has been taken by the third respondent, which prompted the petitioner to come forward before this Court by way of filing the present writ petition.

3. In fact, earlier the petitioner has moved writ petitions in W.P.Nos.22616 & 22617 of 2016 dated 20.10.2016 before this Court, which came to be dismissed as withdrawn with a liberty to the petitioner to initiate any legal action against the sixth and seventh respondents, if their action is prejudicial to his right. Now, there is no impediment for the respondents to consider the representation made by the petitioner.

4. The learned counsel for the sixth and the seventh respondents would submit that already approval has been granted by the third respondent authority, hence, the petitioner has no case. Therefore, the petitioner made a representation dated 26.11.2018, to revoke the regularisation granted in favour of the sixth and seventh respondents for layouts as per the principle under regularization No.108/18 and the said representation is pending till date. Hence, the petitioner came forward before this Court, by way of filing the present writ petition. Therefore, if the said representation is considered, the respondents shall grant an opportunity to the petitioner to appear before them and the sixth and seventh respondents would place all the relevant materials before the third respondent for rejecting objections made by the petitioner.

5. Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the said representation will be considered, if the same is pending, on merits and in accordance with law.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the said application, directs 3rd respondent to consider the petitioner's representation dated 26.11.2018 and take an appropriate decision, on merits and in accordance with law, after issuing notice to the petitioner as well as the sixth and the seventh respondents herein and also affording due opportunity of hearing to the petitioner, sixth and the seventh respondents herein as well as any of the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1.The State of Tamilnadu,
rep. by its Secretary to Government,
Housing and Urban Development Department,
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Chennai-600 009.

2.The District Collector,
Coimbatore District,
Coimbatore.

3.The Member Secretary,
Local Planning Authority,
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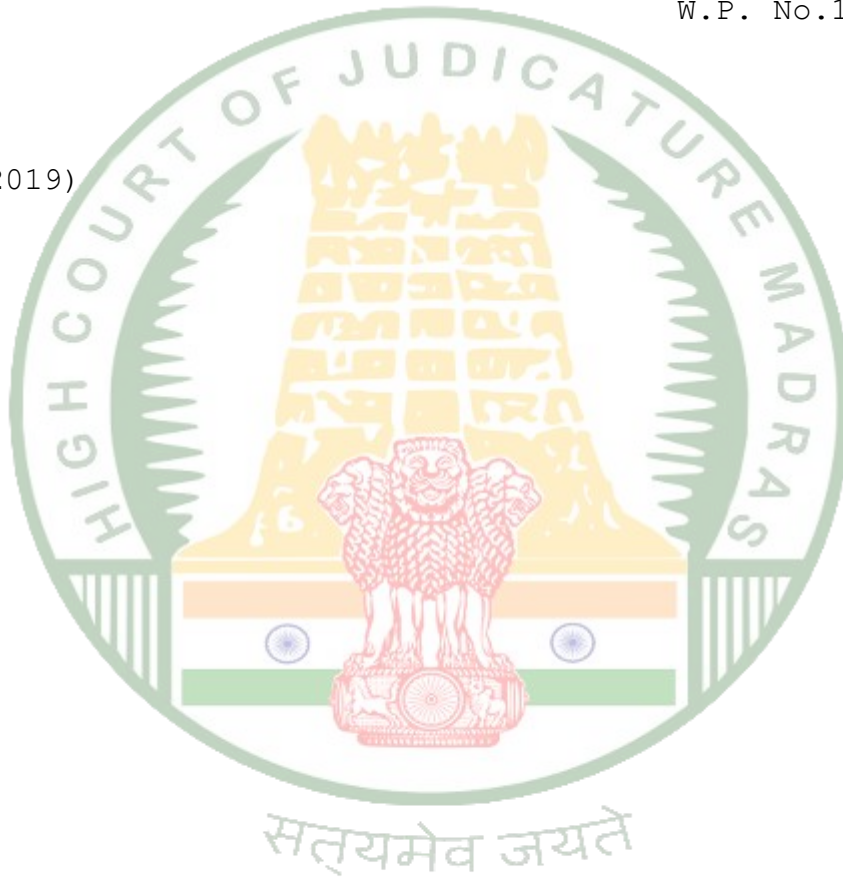
4.The Block Development Officer,
Sulur Panchayat Union
Sulur,
Coimbatore District

5.The President,
Kallapalayam Village Panchayat,
Sulur,
Coimbatore District

+1 CC to Mr.P.Saravana Sowmiyan, Advocate sr 24455.
+1 CC to Govt. Pleader sr 24691.
+1 CC to Mr.S.R.Kalyani, Advocate sr 24033.

W.P. No.1828 of 2019

PM(CO)
SP(10/04/2019)



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