IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 29813 of 2008
and
M.P. 1 of 2008

M. Velusamy ... Petitioner

Vs

1. The Deputy Director of Town and
   Country Planning,
   807, Anna Salai,
   Chennai.

2. The Deputy Director of Town and
   Country Planning,
   Collectorate Compound,
   Coimbatore.

3. The District Collector,
   Coimbatore.

4. The President,
   Idayarpalayam Village Panchayat,
   Idayarpalayam Village,
   Palladam Taluk.

5.K.Ranganathan ... Respondents
6.

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents from granting an approal to layout plots in the agriculture lands comprised in S.F.No.173 and 174 of Idayarpalayam Village, Palladam Taluk without considering the objection of the petitioner.

For Petitioner : Mr.S.Saravanan
For Respondents : Mrs.K.Bhuvaneswari,
Addl. Govt. Pleader for R1 to R4

M/s.P.Saravana Sowmiyan for R5

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O R D E R

This Writ Petition has been filed seeking a direction to forbear the respondents from granting an approval to layout plots in the agriculture lands comprised in S.F.No.173 and 174 of Idayarpalayam Village, Palladam Taluk without considering the objection of the petitioner.

2. The case of the petitioner is as follows :-

The petitioner is the absolute owner of the lands comprised in S.R.No.171(2) part consisting of hec. 0.32.0 and in S.F.No.176/2 Part an extent of hect. 070.0 of land at Idayarpalayam Village, Palladam Taluk, Coimbatore. The petitioner has applied for the grant of lease quarrying of rough stones in patta land in Survey No.171(2) part, and the 3rd respondent District Collector has obtained a report from the concerned authorities and granted lease in favour of petitioner for the period from 19.07.2008 to 18.07.2013 in his order dated 19.07.2008. Thereafter, the lease agreement was also executed between the petitioner and the District Collector. While being so, some of the persons including the 5th respondent purchased the property and obtained a planning permission to form a layout in the adjoining lands that too within the distance of 100 mts. from the quarrying place. Immediately came to know about the approval, the petitioner has sent his objection letter dated 01.11.2008 as well as lawyer's notice dated 17.10.2008 to the 1st respondent. But, the said objection was not considered. Hence, the petitioner has approached this Court and filed the present Writ Petition.

3. Mr.S.Saravanan, learned counsel appearing for the petitioner would submit that as per Rule 36(1)(A) of the Tamil Nadu Mining Rules, 1959 prohibits to form a layout within the radius of 300 mts. from any site of inhabitation. In the present case, the petitioner has executed an agreement to quarry rough stone within the distance of 300 mts. from the quarrying place, which is prior to the purchase of 5th respondent and the 4th respondent is taking steps to grant the approval in their favour. Hence, he prayed to grant the relief as prayed for.

4. Mrs.K.Bhuvaneswari, learned Addl. Government Pleader appearing for the respondents 1 to 4 has produced the parawise remarks submitted by the Deputy Director of Town and Country Planning, Coimbatore categorically stating that the layout proposals not received and no layout is approved by the respondent in the said land.

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5. In view of the stand taken by the respondents, no further order is required in this Writ Petition. Accordingly, this Writ Petition stands disposed of. However, if any apprehension arises, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

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Sub Assistant Registrar

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To

1. The Director of Town and
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   Chennai.

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3. The District Collector,
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4. The President,
   Idayarpalayam Village Panchayat,
   Idayarpalayam Village,
   Palladam Taluk.

+1cc to Mr.S.Saravanan , Advocate SR.No. 48316
+1 cc to Government Pleader Sr.No. 48680

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A.SK(16/07/2019)

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