

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

Review Application No.168 of 2019
in W.P.No.11055 of 2019

R.Jeyabal

.. Petitioner

-VS-

- 1.The District Collector,
Office of the District Collector,
Collectorate Building,
Coimbatore District,
Coimbatore.
- 2.The Deputy Director of Town and Country Planning,
Office of the Deputy Director of Town and
Country Planning,
Corporation Commercial Complex Building,
Dr. Nanjappa Road,
Coimbatore-641 018.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Pollachi Taluk,
Coimbatore District-642 001.

4.The Block Development Officer,
Office of the Block Development Officer,
Pollachi South Union,
Pollachi Taluk,
Coimbatore District-642 001.

5.The Special Officer/Block Development Officer,
Veeralapatty Village Panchayat,
Veeralapatty Village Panchayat Office,
Pollachi South Union,
Pollachi Taluk,
Coimbatore District-642 001.

6.R.Vimaladevi .. Respondents

Review Application filed under Order 47 Rule 1 r/w 114 of CPC
seeking to review the order passed in W.P.No.11055 of 2019 dated
21.06.2019 on the file of this Court.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader
for respondent Nos.1 to 4

सत्यमेव जयते
Mr.M.Sairam
for respondent No.6

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ORDER

(Order of the Court was made by **DR.VINEET KOTHARI,J.**)

This review petition has been filed by the petitioner, Mr.R.Jeyabal, seeking to review and recall the order dated 21.6.2019 passed by a Co-ordinate Bench of this Court (headed by Hon'ble the Chief Justice) disposing of W.P.No.11055 of 2019 by relying upon the letter of the Principal Secretary of the State Government dated 26.02.2019, whereby the State had clarified that the activities of Poultry Farm and breeding, Hatcheries, Feed production facilities etc. fall within the definition of "Agriculture" under Section 2(1) of the Tamil Nadu Town and Country Planning Act, 1971 and since it does not fall within the definition "development" as defined under Section 2(13) of the said Act, the permission for constructions of sheds/buildings for the use of Poultry under the said Act is not necessary.

2. By this review, the petitioner seeks to submit that the Tamil Nadu Combined Development and Building Rules, 2019, framed under the said Act of 1971 were notified on 04.02.2019 and they were not brought to the notice of the Bench while disposing of the writ petition

on 21.06.2019 and, therefore, it calls for a review. The learned counsel for the petitioner submitted that the Tamil Nadu Combined Development and Building Rules, 2019 does not make any exemption or distinction of the 'agricultural activities' under the said Rules for seeking permission of the competent authorities under the said Act.

3. Mr.V.Jayaprakash Narayanan, learned Government Pleader appearing for respondent Nos.1 to 4 submitted that this Court was justified in disposing of the writ petition filed by the petitioner by relying upon the letter dated 26.02.2019 of the Principal Secretary to Government, Housing and Urban Development Department.

4. Having heard the learned counsel for parties, we are satisfied that there is no mistake apparent on the face of the order passed by this Court in W.P.No.11055 of 2019, dated 21.06.2019. Even if the Rules in question were notified on 04.02.2019, that cannot mean that the letter dated 26.02.2019 issued by the State Government, which was relied upon by the Co-ordinate Bench of this Court, can be said to be erroneous. Apparently, the Rules notified on 04.02.2019 do not

lay down anything contrary and they cannot override the Act itself. When definitions contained in the Act itself do not carve out specific provision for such permission even for agricultural operations and since the State had clarified and communicated vide the letter dated 26.02.2019 that the Poultry activities do not amount to "development" as defined under Section 2(13), but fall within the definition of "Agriculture" as defined under Section 2(1) of the Act, the non-mentioning of the notified Rules viz., Tamil Nadu Combined Development and Building Rules, 2019 in the Court order does not amount to any mistake apparent on the face of the record.

5. In our opinion, the order dated 21.06.2019 of the Co-ordinate Bench in W.P.No.11055 of 2019 does not call for review and, therefore, the review petition is liable to be dismissed.

6. Accordingly, the review petition is dismissed. No costs.

WEB COPY (V.K.,J.) (C.S.N.,J.)
18.09.2019

Index : Yes/No
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DR.VINEET KOTHARI, J.
and
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