

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :26.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.33028 of 2019

K.Devasigamani

.. Petitioner

/versus/

1.The District Collector,
Erode District,
Erode.

2.The Block Development Officer,
Chennaiamalai,
Erode.

3.The Commissioner,
Chennaiamalai Panchayat Union,
Chennaiamalai,
Erode.

4.Sri Saravana Tex
Rep. By its Proprietor Ragu Saravanan,
having its office at
No.296, Vallipurathan palayam,
Velliyankattu Thottam,
Kavundachipalayam Village,
Vellode via, Perundurai Taluk,
Erode 638 112.

5.Mr.Ragu Saravanan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus directing the respondents 1 to 3 not to provide license/permission for running/operating the 4th respondent, the power loom and doubling units in residential/agricultural land by the 4th respondent in S.F.No.18, situated at No.256, Vallipurathan Palayam, Velliyankattu Thottam, kavundachipalayam village, Vellode via., Perundurai Taluk, Erode and for a consequential direction to shift the 4th respondent's industry (power loom and doubling units) to the industrial area.

For Petitioner :Mr.R.Vinayaga Vishnu

For Respondents :Mr.K.Ravikumar, AGP for R1

Mr.N.Srinivasan, AGP for R2 & R3

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.R.Vinayaga Vishnu, learned counsel appearing for the petitioner and Mr.K.Ravikumar, learned Additional Government Pleader who takes notice for the first respondent and Mr.N.Srinivasan, learned Additional Government Pleader who takes notice for respondents 2 and 3.

3. The petitioner herein seeks writ of Mandamus to direct respondents 1 to 3 not to provide license/permission for running/operating the Power Loom business of the 4th respondent which alleges to have been functioning in the residential/agriculture area.

4. Earlier against the 4th respondent, a similar writ petition was filed and this Court, after considering the counter filed by the Government as well as the private respondents, found that the 4th respondent has been permitted to run four units of power loom and further application by the 4th respondent to install two more units is pending consideration by respondents 1 to 3. After considering the facts, this Court has directed respondents 1 to 3 to ensure that there is no violation by the 4th respondent in respect of the license granted to him and if there is any violation, appropriate action has to be taken. After disposal of the said writ petition No.26648 of 2019, the present writ petition is filed with a prayer that the respondents 1 to 3 should not consider the application of the 4th respondent and grant license to him.

5. The representation of the petitioner is pre-mature and he cannot prevent the person from carrying the trade in accordance with law. If at all any objection regarding the location or the entitlement of the 4th respondent to carry on the power loom unit, he can make his objection to that effect and that will be considered by respondents 1 to 3 in accordance with law. Even before considering the application of the 4th respondent, the Court cannot entertain the writ petition to issue Mandamus directing respondents 1 to 3 not to grant permission/license to the 4th respondent Industry to run their power loom on the ground that it comes under the agriculture

area. It is left open to the discretion of respondents 1 to 3 to consider any application filed by the 4th respondent for expansion of his power loom and if it is in accordance with law, they can pass appropriate order, after considering any objection raised by the petitioner herein.

6. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The District Collector,
Erode District,
Erode.
- 2.The Block Development Officer,
Chennaimalai,
Erode.
- 3.The Commissioner,
Chennaimalai Panchayat Union,
Chennaimalai,
Erode.

+1cc to Mr.R.Vinayaga Vishnu, Advocate SR.98229
+1cc to the Government Pleader SR.98957

W.P.No.33028 of 2019

NMI (CO)
CB(13/01/2020)

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