

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.26599 of 2018 and
W.M.P.No.30962 of 2018

1 S.R.Velusamy
2 Mr.R.K.Selvaraj
3 C.Palanisamy .. Petitioners

v.

1 State of Tamil Nadu
Rep by The Secretary Industries Department
Fort St. George, Chennai 600009
2 The District Collector
Coimbatore District
3 The Executive Authority
Kuppepalayam Panchayat
Annur Taluk, Coimbatore District
4 M/s.J.S.Auto Cast Foundry India Pvt. Ltd
Rep by its Manager
S.F.No. 165/1, Sembagounden Pudur
Kuppepallayam, Coimbatore District 641 146
5 The Member Secretary
Planning Authority, Coimbatore
(R5- Suo Moto impleaded as per court order
dated 22.10.2018 in W.P.No.26599/2018) .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the third respondent to prohibit the fourth respondent from proceedings with the construction at Survey Numbers 530, 535 and 536, Sengalipalayam, Kuppepalayam Village, Annur Taluk, Coimbatore District and initiate action under Rule 34 of the TamilNadu Panchayat Building Rules, 1997.

For Petitioners : Ms.D.Geetha

For Respondents : Mr.V.Jayaprakash Narayanan
Govt. Pleader (i/c) - for R1 & R2

Mr.Kamalesh Kannan
Govt. Advocate - for R3

Mr.M.S.Krishnan, Senior Counsel
for Mr.K.S.Karthik Raja - for R4

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioners have filed the above Writ Petition as Public Interest Litigation to issue a Writ of Mandamus to direct the 3rd respondent to prohibit the 4th respondent from proceedings with the construction at Survey Numbers 530, 535 and 536, Sengalipalayam, Kuppepalayam Village, Annur Taluk, Coimbatore District and initiate action under Rule 34 of the TamilNadu Panchayat Building Rules.

2. The petitioners have filed the Writ Petition to prohibit the 4th respondent from proceedings with the construction in the above mentioned land.

3. When the matter is taken up for hearing, Mr.M.S.Krishnan, learned Senior Counsel, appearing for the 4th respondent, submitted that the 4th respondent will not proceed with the construction till approval is obtained by them. The 4th respondent also filed a counter affidavit wherein in para-17 they have given an undertaking that they will proceed with the construction work only after obtaining the building permission from the authorities.

4. The undertaking given by the 4th respondent is recorded.

5. Since the Writ Petition has been filed to prohibit the 4th respondent from proceedings with the construction and now that the 4th respondent has given an undertaking that they will proceed with the construction only after obtaining the building permission, we do not find any reason to keep the Writ Petition pending.

6. In view of the reasons stated above, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Rj
To

- 1 The Secretary
Industries Department
Fort St. George, Chennai 600009
- 2 The District Collector
Coimbatore District
- 3 The Executive Authority
Kuppepalayam Panchayat
Annur Taluk, Coimbatore District
- 4 The Member Secretary
Planning Authority
Coimbatore

+1cc to M/s.D.Geetha, Advocate SR.No.789

+1cc to Mr.K.S.Karthikraja, Advocate SR.No.941

+1cc to Government Pleader SR.No.1440/19

WEB COPY

W.P. No.26599 of 2018 and
W.M.P.No.30962 of 2018

SV(CO)
GMY(30/01/2019)