



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) Nos. 4096, 4097 and 4100 of 2020

WEB COPY

R. Rahamathullah,
Partner- M/s. Surya Timber and Saw Mill ,
No. 3/225-1, Kayalpattinam Main Road,
Veerapandianpattanam,
Thiruchendur,
Thoothukudi.

... Petitioner in all W.Ps'

Vs.

1. The Assistant Director of Panchayats,
Thoothukudi,
Thoothukudi District.

2. Tiruchendur Panchayat Union,
represented by its Commissioner/
Block Development Officer,
Thiruchendur,
Thoothukudi District.

: Respondents 1 and 2 in all W.Ps

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thoothukudi,
Thoothukudi District.

... Respondent No. 3 in
WP (MD) No. 4096 of 2020

4. The Joint Director of Health Services,
No. 166, North Beach Road,
Fisheries Campus,
Thoothukudi-628 001

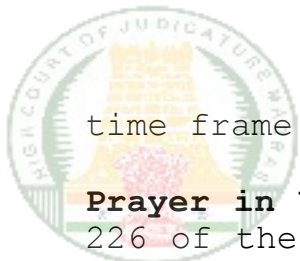
... Respondent No. 3 in
W.P (MD) No. 4097 of 2020

5. The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thoothukudi,
Thoothukudi District.

6. The Assistant Engineer,
Highways Department,
Thiruchendur,
Thoothukudi District.

: Respondents 3 and 4 in W.P (MD)
No. 4100 of 2020

Prayer in W.P (MD) No. 4096 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the third respondent to pass orders on the Petitioner's application dated 17.08.2017 for No Objection Certificate based on the representation dated 21.2.2020, within the



time frame fixed by this Court.

Prayer in W.P(MD)No.4097 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the third respondent to pass orders on the Petitioner's application, dated 04.08.2017 for No Objection Certificate based on the representation dated 21.2.2020, within the time frame fixed by this Court.

Prayer in W.P(MD)No.4100 of 2020: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents 3 and 4 to pass orders on the Petitioner's application dated 20.7.2017 for No Objection Certificate based on the representation dated 14.2.2020 and 21.2.2020 within the time frame fixed by this Court.

For Petitioner : Mr.R.Subramanian
in all W.Ps'

For Respondent-1 : Mr.Aayiram K.Selvakumar,
in all W.Ps' Addl.Govt.Pleader

For Respondent-2 :Mr.A.Thiagarajan
in all W.Ps'

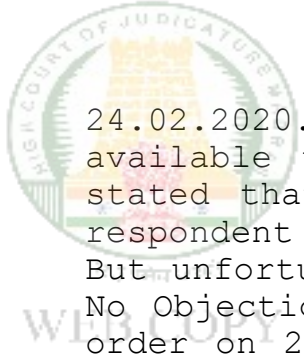
COMMON ORDER

These Writ Petitions have been filed seeking issuance of a Writ of Mandamus directing the respondents to pass orders on the application of the Petitioner for No Objection Certificate based on their representations submitted on various dates.

2.Mr.Aayiram K.Selvakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.A.Thiagarajan, learned counsel takes notice for the second respondent.

3.By consent of both parties, the main Writ Petitions are taken up for final disposal.

4.In W.P(MD)No.2765 of 2020, the same Petitioner had challenged the order passed by the second respondent, dated 7.2.2020 and by order dated 13.2.2020, this Court directed the Petitioner to obtain necessary No Objection Certificate from Fire Service Department, Industries Department, Planning permission from the Panchayat and Professional Tax Receipt and to submit the same within two days. It is stated by the Petitioner that the Petitioner had already obtained planning permission and NOC from the Panchayat and he had also applied for other NOCs. As the NOCs were not produced, the licence was not granted to the Petitioner. Hence the Petitioner's saw mill was closed on 12.2.2020. In order to give an opportunity, this Court directed the Petitioner to furnish the copies of all certificates that are required from various authorities for running the saw mill and submit the same before the second respondent on 17.2.2020 and thereafter, the second respondent was directed to consider the same within a week and pass orders on or before

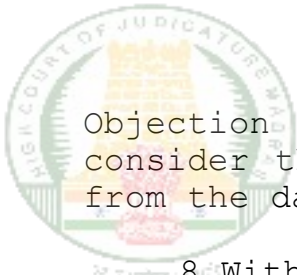


24.02.2020. As the copy of the order, dated 13.2.2020 was made available to the Petitioner only on 21.2.2020, ie., Friday, it is stated that the Petitioner could not submit the documents to the respondent No.2 in time and he could produce the same on 25.2.2020. But unfortunately, the second respondent had refused to receive the No Objection Certificates obtained by the Petitioner and passed an order on 26.2.2020 rejecting the application of the Petitioner and sealed the premises on 26.2.2020. Admittedly, the said copy of the order also was not furnished to the Petitioner. Therefore, the Petitioner has brought this matter 'for being mentioned' only to state that because of the delay in obtaining the order from this Court and producing the same before the authorities, his application was rejected.

5.While-so, three more Writ Petitions are filed by this Petitioner in W.P(MD)Nos.4096,4097 and 4100 of 2020.These Writ Petitions are filed seeking issuance of a Writ of Mandamus directing the respective third respondent for issuance of No Objection Certificate based on the representations of the Petitioner within a time frame. As the Petitioner's Saw Mill has already been sealed by the respondents, it is necessary for the Petitioner to obtain licence for the same, for which, he has to get No Objection Certificates from the above said authorities.

6.In the said situation, the third respondent in W.P(MD)No.4096 of 2020 and third respondent in W.P(MD)No.4097 of 2020 and fourth respondent in W.P(MD)No.4100 of 2020 are directed to consider the representations of the Petitioner within a period of four weeks and issue appropriate No Objection Certificates based on the representations of the Petitioner, if it is otherwise eligible to be issued with such Certificates.

7.The learned counsel appearing for the second respondent, appeared before this Court and submitted that in view of the above incidents, proceedings in Aa2/4529/2012, dated 26.2.2020 will be withdrawn in a day or two. Recording the above said submission, the proceedings in Aa2/4529/2012, dated 26.2.2020 passed by the Commissioner,Thiruchendur Panchayat Union, Thiruchendur, Thoothukudi District is quashed. The time granted in the order made in W.P(MD) No.2765 of 2020, dated 13.2.2020 is extended by another two weeks from the date of receipt of a copy of this order and the Petitioner is directed to submit the relevant No Objection Certificates and other documents before the Licensing Authority. So far as the other three No Objection Certificates which are covered under W.P(MD) Nos.4096, 4097 and 4100 of 2020 are concerned, the Petitioner is given two months time to produce them before the authorities concerned. Therefore, the respective respondents are directed to consider the licence of the Petitioner without insisting immediately for the production of the No Objection Certificates from the respondents in W.P(MD)No.4096, 4097 and 4100 of 2020, which would be produced by the Petitioner within a period of two months from the date of receipt of a copy of this order. With the available No



Objection Certificates, the respective respondents are directed to consider the request of the Petitioner for licence within 2 weeks from the date of producing the available No Objection Certificates.

8. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

To

1. The Assistant Director of Panchayats,
Thoothukudi, Thoothukudi District.

2. Tiruchendur Panchayat Union,
represented by its Commissioner/
Block Development Officer,
Thiruchendur, Thoothukudi District.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thoothukudi, Thoothukudi District.

4. The Joint Director of Health Services,
No.166, North Beach Road,
Fisheries Campus, Thoothukudi-628 001.

5. The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Thoothukudi, Thoothukudi District.

6. The Assistant Engineer,
Highways Department,
Thiruchendur, Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-9107[F] dated 28/02/2020)

COMMON ORDER MADE IN
W. P (MD) Nos. 4096, 4097
and 4100 of 2020
27.02.2020

SMA/13/03/2020/4P/8C