

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.3207 of 2021

1. K.Balsubramanian
2. V.Kathirvel
3. E.Rajkumar ... Petitioners

Vs

1. The Chairman
Hill Areas Conservation Authority-cum-
The Principal Secretary to Government
Housing and Urban Development Department
Secretariat,
Chennai 600 009.
2. The District Collector
Coimbatore.
3. The Principal Chief Conservator of Forests
Panagal Maligai, Saidapet
Chennai 600 015.
4. The Director of Town and Country Planning
Directorate of Town and Country Planning
Anna Salai,
Chennai 600 002.

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent to consider the petitioner's representation dated 11/1/2021 and consequently direct the third respondent to forward his remarks to the fourth respondent to enable him to place it before the first respondent within a time frame.

For petitioner ... Mr.S.Senthil

For respondents ... Mr.P.Sivashanmuga Sundaram
Special Government Pleader
for R.R.2 and 4.

Mr.M.Elumalai
Additional Government Pleader
for R.3.

O R D E R

This Writ Petition has been filed to direct the third respondent to consider the petitioner's representation dated 11/1/2021 and consequently direct the third respondent to forward his remarks to the fourth respondent to enable him to place it before the first respondent within a time frame.

2. The petitioners are developing their property into a layout, at Ikkaraipoluvampatti Village, Perur Taluk, Coimbatore District. This area is covered under the Hill Areas Conservation Authority (HACA) Committee and hence it requires clearance from the HACA Committee. The petitioners have preferred an application before the Conservator of Forest, Coimbatore, Assistant Director of Geology and Mining, Coimbatore and the Executive Engineer, Agricultural Engineering Department, Coimbatore for No Objection Certificate with regard to develop the property for layout. The Forest, Geology and Mining, Agricultural Engineering, Revenue and Local Planning Authority of the District have forwarded the proposal for converting the lands into layout for the public by their No Objection, which is pending before the fourth respondent. But the third respondent has not offered his remarks so far and therefore, the layout proposal is lying for want of the remarks of the third respondent on the proposed layout.

3. It appears that the concerned authorities have forwarded the proposal for converting the lands into a layout for the public by issuing their No Objection Certificate. Considering the fact that for want of remarks from the third respondent, proposal of the petitioner is still lying with the fourth respondent, this Court is inclined to direct the third respondent to consider the case of the petitioners, to enable the fourth respondent to place it before the HACA Committee.

4. Accordingly, this writ petition is allowed. Third respondent is directed to consider the case of the petitioners along with the remarks made by the Conservator of Forests, Coimbatore Circle and to offer his remarks, within a period of

four weeks, from the date of receipt of a copy of this order, for enabling the fourth respondent to place it before the HACA Committee. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Chairman
Hill Areas Conservation Authority-cum-
The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai 600 009.
2. The District Collector,
Coimbatore.
3. The Principal Chief Conservator of Forests
Panagal Maligai, Saidapet
Chennai 600 015.
4. The Director of Town and Country Planning
Directorate of Town and Country Planning
Anna Salai, Chennai 600 002.

+1cc to Mr.S.Senthil, Advocate, S.R.No.9282

+1cc to the Special Government Pleader, S.R.No.9639

सत्यमेव जयते

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AAB (CO)
CS/12/03/2021

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