



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.24124 of 2013
and M.P.No.1 of 2013

Sri Gogulam Blue Metals
Rep. by its Partner Mr.Rajkumar
S/o Sri.R.Krishnaswamy
No.15/156-A, Palghat Main Road,
Marappalam, Madukkarai,
Coimbatore South Taluk,
Coimbatore District - 641 105.

...Petitioner

Vs

- 1.The District Collector
Coimbatore District,
Coimbatore
- 2.The Commissioner
Madukkarai Panchayat Union
Madukkarai Village,
Coimbatore South Taluk,
Coimbatore District.
- 3.The President
Palaturai Panchayat
Palathurai Village
Coimbatore District.
- 4.The President
Mathukarai Panchayat
Mathukarai Village,
Coimbatore District.
- 5.The Coimbatore Local Planning Authority,
Rep.by its Member Secretary
Corporation Complex,
1st Floor,Taatabad,
Sivanantha Colony,
Coimbatore - 641 012.



6.The Chairman
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai - 600 032.

WEB COPY 7.Mr.P.S.Muthuramalingam

8.Mr.Ravindranath

9.Mr.Hariharasuthan

10.R.Bhavani

...Respondents

Prayer : This Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents 1 to 5 from either sanctioning the layout or permitting any construction within the prohibitory distance of 500 meters from the petitioner's said crushing unit situated in S.F.No.3/2A of Palathurai Village, Coimbatore South Taluk, Coimbatore District.

For Petitioner : M/s.K.Ramakrishna Reddy

For Respondent : Mr.Stalin Abhimanyu
Government Advocate
for R1 to R6

O R D E R

The relief sought in this writ petition is to forbear the respondents 1 to 5 from either sanctioning the layout or permitting any construction within the prohibitory distance of 500 meters from the petitioner crushing unit.

2.It is the case of the petitioner that they are a stone crushing unit situated in S.F.No.3/2A of Palathurai Village, Coimbatore South Taluk, Coimbatore District and are supplying blue metals for Government Projects. They obtained requisite licence from the competent authorities and are functioning in accordance with the statutory norms and rules and there is no complaint whatsoever from any quarters. Further, the respondents 7 and 9, by agreement dated 03.06.1999, gave no objection to the petitioner and also agreed that they will not layout the adjoining patta lands of the subject crushing unit. That apart, by order dated 12.07.2013 passed by the National Green Tribunal in Appeal No.42/2013 (SZ), the petitioner was permitted to run the crushing unit and the Tamil Nadu Electricity Board was also directed to restore the power supply to them. It is the further



case of the petitioner that there is a prohibition for granting planning permission within the prohibitory distance of 500 meters from the existing stone crushing unit. Contrary to the same, the respondents 7 to 10 are pursuing the respondents 1 to 5 to sanction lay out within the prohibitory distance of 500 meters from the petitioner crushing unit. Feeling aggrieved, the petitioner sent a representation dated 21.08.2013 to the respondents 1 to 5, requesting not to sanction layout in respect of the lands situated within the prohibitory distance of 500 meters from their crushing unit, which was not considered till date. Hence, this writ petition.

3.The learned counsel for the petitioner, after arguing for some time, submitted that it would suffice, if the representation submitted by the petitioner is directed to be considered by the respondent authorities, in accordance with law, within a time frame to be stipulated by this Court, for which the learned Government Advocate appearing for the respondents 1 to 6 has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the petitioner's representation dated 21.08.2013, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To

1.The District Collector
Coimbatore District,
Coimbatore



WEB COPY

2.The Commissioner
Madukkarai Panchayat Union
Madukkarai Village,
Coimbatore South Taluk,
Coimbatore District.

3.The President
Palaturai Panchayat
Palathurai Village
Coimbatore District.

4.The President
Mathukarai Panchayat
Mathukarai Village,
Coimbatore District.

5.The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Complex, 1st Floor,
Taatabad, Sivanantha Colony,
Coimbatore - 641 012.

6.The Chairman
Tamil Nadu Pollution Control Board,
Anna Salai, Guindy,
Chennai - 600 032.

+1cc to the Government Pleader, S.R.No.29387

W.P.No.24124 of 2013

PMK(CO)
RGA(02/08/2021)