



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.7994 of 2020

R.Chandrasekar

... Petitioner

-vs-

1. The District Collector,
Tiruppur,
Tiruppur District.
2. The Deputy Director,
Town and Country Planning,
Kumaran Complex,
(Opposite to Railway Station),
Tiruppur.
3. The Block Development Officer,
Palladam Panchayat Union,
Palladam Taluk,
Tiruppur District.
4. The Commissioner,
Geology and Mining,
Thiru vi ka Industrial Estate,
Guindy,
Chennai.
5. The Commissioner,
Palladam Panchayat Union,
Palladam Taluk,
Tiruppur District.
6. The President,
Sukkamaplayam Panchayat,
Palladam Taluk,
Tiruppur District.
7. R.Muthukumarasamy

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to forbear the respondent No.1 to 3 and 5,6 from granting any building planning permission or layout house sites within 500 meters distances from the stone crushing unit of petitioner and also to take an appropriate action against 7th respondent for the unauthorised constructions in respect of land comprised in Survey Number:190/1 situated at Sukkampalayam Village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.K.Myilsamy
For R1to R6 : Mr.T.N.C.Kaushik
Govt. Advocate
For R7 : Mr.V.Karthikeyan
for Mr.S.Joel

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

This writ petition has been filed seeking issuance of a Writ of Mandamus forbearing the respondents 1 to 3 and 5, 6 from granting any building planning permission or lay out house sites within 500 meters distance from the stone crushing site of the petitioner and also take appropriate action against the 7th respondent for the unauthorized constructions in respect of the land comprised in Survey Number. 190/1 situated at Sukkampalayam Village, Palladam Taluk, Tiruppur District.

2. The case of the petitioner is that he is running a crushing unit in Survey Numbers 189/2,189/3 and 189/4 situated at Sukkampalayam Village, Palladam Taluk, Tiruppur district. He further stated that the 7th respondent is an adjacent land owner and he has now filed an application seeking planning permission to the respondents. It is the case of the petitioner that as per Rule 27 Annexure 17 Tamil Nadu Combined Development & Building Rules 2019, building planning permission shall not be granted within 500 meters from the Crushing unit.

3.Learned counsel appearing for the 7th respondent would state that the 7th respondent has submitted an application to the 1st respondent seeking planning permission, enclosing all the necessary documents and certificates and when the application is pending for consideration before the competitive authority, the petitioner has no right to file this petition. He further stated



that the crushing unit license given to the petitioner has expired long back, which was also given in violation of the relevant rules.

4. Heard Mr.K.Myilsamy, learned counsel for the petitioner, Mr.T.N.C.Kaushik, learned Government Advocate for the respondents 1 to 6, Mr.V.Karthikeyan, learned counsel for the 7th respondent and perused the materials available on record.

5. Considering the prayer sought for in this writ petition and the statements of the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents 1 and 2, to consider the application of the 7th respondent and grant planning permission, in accordance with law. While considering the application of the 7th respondent objections raised by the petitioner can also be take note of.

6. With the above observations, this Writ Petition stands disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsn

To

1. The District Collector,
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2. The Deputy Director,
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(Opposite to Railway Station),
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3. The Block Development Officer,
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Palldam Taluk,
Tiruppur District.
4. The Commissioner,
Geology and Mining,
Thiru vi ka Industrial Estate,
Guindy, Chennai.



5. The Commissioner,
Palladam Panchayat Union,
Palladam Taluk,
Tiruppur District.

6. The President,
Sukkamaplayam Panchayat,
Palladam Taluk,
Tiruppur District.

+lcc to Mr.K.Myilsamy, Advocate Sr No.48874
+lcc to the Government Pleader Sr No.49424
+lcc to Mr.S.Joel, Advocate Sr No.48844

W.P.No.7994 of 2020

NK (CO)
PR (12/11/2021)