

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

W.P.No.12546 of 2020

Yuvaraj.C.

... Petitioner

Vs.

- 1.The Additional Chief Secretary to Govt. of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The District Collector,
Tiruvallur Dist.,
Master Plan Complex NH 205,
Chennai-Tiruttani Highway,
Tiruvallur - 602 001.
- 3.The Assistant Director of Town and Country Planning (i/c)
No.43/397-A-2nd Floor, Annai Indira Gandhi Salai,
Rajajipuram, Phase-II,
Tiruvallur - 602 001.
- 4.The Commissioner,
(Panchayat Union),
Kadambathur,
Tiruvallur Dist.
- 5.The Management,
M/s.Builtech Engineering,
Sungavarchatiram-Thiruvallur Main Road,
Karanai Village, Kelacheri Post,
Thiruvallur Taluk and Dist. 631 402. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation dated 13.07.2020 within the time frame fixed by this Court.

For Petitioner : Mr.S.Vijayaganesh

For R1 to R3 : Mr.S.Kamalesh Kannan
Government Advocate

For R4 : Mr.P.V.Selvakumar
Additional Government Pleader

For R5 : Mr.B.Vijay

O R D E R

(Order of the Court was made by M. SATHYANARAYANAN, J.)
(Through video conferencing)

The petitioner claims to be the President of the local body, viz., Kottaiyur Village Panchayat, Kelacheri Post, Thiruvallur Taluk and District, and he came forward to file this writ petition alleging that the 5th respondent had put up an industrial Unit without any approval or permission, safety measures, etc. Despite a representation, dated 13.07.2020, was submitted in this regard to the official respondents, no action whatsoever has been taken and therefore, the petitioner came forward to file this writ petition.

2.Learned counsel appearing for the petitioner would submit that, despite the local body has passed a Resolution pointing out the said infirmity, and a representation has also been submitted on 13.07.2020 to the concerned official respondents, absolutely there is lack of response, and left with no other option, the petitioner is constrained to approach this Court by filing this writ petition.

3.The 4th respondent has filed counter affidavit, dated 23.11.2020, and took a stand that, since the 5th respondent Unit was functioning without any permission, notice dated 23.07.2020 was issued and in compliance of the same, the 5th respondent has submitted a representation, dated 05.08.2020, enclosing the relevant documents and requested the local body for permission and it was also followed by notice to the 5th respondent imposing fine.

4.Learned counsel appearing for the 5th respondent would submit that the 5th respondent has obtained all clearances and permissions and only one of the conditions is under process and positive orders are expected. He would further submit that the 5th respondent is operating the Unit without any nuisance and with regard to the infirmity/infracton, necessary fine has also been paid and undertakes to run the Unit strictly in adherence to the relevant norms and regulations.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.In the light of the above said submission made by the learned counsel appearing for the 5th respondent, this Court is of the considered view that no further orders are necessary, however, the 4th respondent is at liberty to cause regular or surprise inspection as to the proper functioning of the 5th respondent Unit in accordance with law, and if any infraction is noted, is also at liberty to take appropriate action in accordance with law.

This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional Chief Secretary to Govt. of Tamil Nadu,
Rural Development and Panchayat Raj Department,
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Rajajipuram, Phase-II,
Tiruvallur - 602 001.
- 4.The Commissioner,
(Panchayat Union),
Kadambathur,
Tiruvallur Dist.

+1cc to Mr.B.Vijay, Advocate SR.NO..15666
+1cc to The Government Pleader, SR.NO..15184

AKM/01.04.21/3P- 7C/

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