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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.NO.2381 OF 2021

A.Kalimuthu

... Appellant/7th Respondent
in W.P.No.33296 of 2017

.Vs.

1. City Medi Tech Industries Private Limited,
Represented by its Managing Director,
R.Palanisamy
2. The Additional Director,
Directorate of Town and Country Planning,
Salem Division,
Salem - 636 007.
3. The President,
Suriyanallur Village Panchayat,
Dharapuram Taluk,
Tiruppur District - 638 706.
4. The District Collector,
Office of the Collectorate of Thiruppur,
Thiruppur District - 641 604.
5. The Block Development Officer,
Kundadam Panchayat Union,
Thiruppur District - 638 702.
6. The Revenue Divisional Officer,
Dharapuram,
Thiruppur District - 638 657
7. The District Environmental Enginner,
Tamil Nadu Pollution Control Board,
Thiruppur South,
Thiruppur - 641 601.

... Respondents/Petitioners and
RR1 to 6 in W.P.No.33296 of 2017



PRAYER:-

Writ Appeal filed under clause 15 of the Letters Patent praying to set aside the order dated 12.03.2021 in W.P.No.33296 of 2017.

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Prayer in W.P.No.33296 of 2017:-

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Suryanallur Village Panchayat dated 22.10.2016 and quash the same and consequently direct the 2nd Respondent to issue order of extension to complete the building which was being built at Survey Field No.1552/2, Suryanallur village, Dharapuram Taluk, Tirupur District under the due planning permission issued to the petitioner by the 1st Respondent through its plan approval reference Na.Ka.No.2763/2014 SM3 dated 12.12.2014.

For Appellant : Mr.C.Prakasam

For Respondents -1 to 3 : Mr.D.Ravichander,
5 and 6 State Government Counsel

For Respondent -4 : Mr.C.Jayaprakash
Government Counsel

JUDGMENT

[Judgment of Court was delivered by PUSHPA SATHYANARAYANA, J.]

The Writ Appeal is directed against the order passed by the learned Single Judge dated 12.03.2021 in W.P.No.33296 of 2017.

2. Originally, the said Writ Petition was filed by the first respondent/writ petitioner, challenging the order of the third respondent herein, wherein and whereby, extension of time sought for by them to complete the construction of the Biomedical Plant/Biomedical Waste Treatment Unit at Suriyanallur Village was refused.

3. The appellant herein got himself impleaded in the Writ Petition. According to him, there is a threat to the villagers, if the Biomedical Plant/Biomedical Waste Treatment Unit is



constructed and installed by the writ petitioner. The appellant, being an agriculturalist and the other villagers are aggrieved by the Biomedical Plant/Biomedical Waste Treatment Unit being constructed by the writ petitioner. However, the Kundadam Panchayat Union refused to extend the time for construction. Aggrieved by which, the first respondent filed W.P.No.33296 of 2017 seeking to quash the said order, which was disposed of with observations, against which, the seventh respondent has come before this Court by filing an appeal.

4. While quashing the impugned order of the third respondent dated 22.10.2016, the Writ Court directed the writ petitioner to file an appropriate application/representation before the authorities after correcting the deviation pointed by the second respondent.

5. The objection of the appellant is that the Biomedical Waste would be brought to the plant not only from the other parts of the State, but also from the neighbouring State of Kerala, where licences sought for erecting Biomedical Waste Treatment plants were refused. Accordingly, the private hospitals in the State of Kerala have been sending the medical waste to the writ petitioner's plant and the destruction of the medical waste is not only causing health hazards to the villagers, but also causing serious illness. It is further contended that when the public safety is involved, the writ petitioner should not be given the permission to construct its Biomedical Waste Treatment Plant.

6. However, we are not able to see any infirmity in the order of the Writ Court, as it had only directed the writ petitioner to file an appropriate application before the Additional Director, Directorate of Town and Country Planning, Salem/second respondent, within a period of 30 days and once the application is filed, the objection of the fifth respondent/Block Development Officer was also directed to be considered, as it is stated that the said land is "Ryotwari Punjai",

7. We are inclined to add that the Additional Director, Directorate of Town and Country Planning, Salem/second respondent, is also directed to put the appellant on notice, who was subsequently impleaded in the writ petition and afford an opportunity of personal hearing, while considering the application made by the writ petitioner. After hearing the objections/grievances raised by the Block Development Officer/fifth respondent, the appellant herein and the writ petitioner, the Additional Director, Directorate of Town and Country Planning, Salem Division, Salem/second respondent, shall pass appropriate orders on merits and in accordance with law.



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8. With the above direction, the Writ Appeal is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Additional Director,
Directorate of Town and Country Planning,
Salem Division,
Salem - 636 007.
2. The President,
Suriyanallur Village Panchayat,
Dharapuram Taluk,
Tiruppur District - 638 706.
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6. The District Environmental Enginner,
Tamil Nadu Pollution Control Board,
Thiruppur South,
Thiruppur - 641 601.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.47720
+1cc to the Government Pleader, S.R.No.48218

W.A.NO.2381 OF 2021

PPA (CO)
PBS/30/09/2021