

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.16984 of 2020

VKP Engineering Ind Private Limited,
Represented by its Director,
P.Jagadeesan ... Petitioner

Vs

1.The District Collector,
District Collector Office,
Tirupur District,
Tirupur.

2. The Assistant Director of Town and
Country Planning,
1st Floor, Kumaran Commercial Complex,
Corporation Building,
Tirupur - 641 601.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tirupur North.

4. The Deputy Director,
Department of Geology and Mining,
Collectorate,
Tirupur.

5. The Block Development Officer,
Pongalur Panchayat Union,
Palladam Taluk,
Tirupur District.

6. The Block Development Officer,
Kangayam Panchayat Union,
Kangayam Taluk,
Tirupur District.

7. The Superintending Engineer,
TANGEDCO,
Tirupur.

8. The Assistant Engineer,
TANGEDCO,
Perunthozhuvu Village,
Tirupur South,
Tirupur.

9. The Village Panchayat President,
Perunthozhuvu Village Panchayat,
Tirupur South Taluk,
Tirupur District.

10. The Village Panchayat President,
Nachipalayam Village Panchayat,
Tirupur South Taluk,
Tirupur District.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus forbearing the respondents 1,2,5,6, 7, 9 and 10 from granting any permission to construct a factory or residential houses within 500 meters from survey No.546 and 300 meters from survey Nos.538/1(part), 539/1(part), 539/2(part) in Perunthozhuvu Village, Tirupur south Taluk, Tirupur District by considering the petitioner representation dated 27.09.2019.

For petitioner
For respondents

.... Mr.M.Guruprasad
... Mr.V.Shanmuga Sundar,
Special Government Pleader
for R1 & R2
Mr.E.Balamurugan,
Special Government Pleader
for RR5, 6, 9 & 10

ORDER

This writ petition has been filed for a Mandamus to forbear the respondents 1 2, 5, 6, 7, 9 & 10 from granting any permission to construct a factory or residential houses within 500 meters from survey No.546 and 300 meters from survey Nos.538/1(part), 539/1(part), 539/2(part) in Perunthozhuvu Village, Tirupur south Taluk, Tirupur District by considering the petitioner representation dated 27.09.2019.

2. The learned counsel for the petitioner on instructions would submit that the petitioner is satisfied if the observations made by the 1st respondent in his counter filed before this Court is recorded and accordingly the writ petition may be disposed of.

3. In paragraph Nos.10, 11 and 12 of the counter affidavit filed by the 1st respondent, it has been stated as follows :

10. It is most humbly submitted that, in this regard, the subject area was inspected by the 4th respondent on 04.12.2020 and found that, there is no residential areas and no approved layouts, are situated within the radial distance of 300 mts as per rule 36(1-A) of Tamil Nadu Minor Mineral Concession Rules, 1959. Further, the President / Executive Officer, Peruntholuvu Village Panchayat vide his letter dated 03.12.2020 addressed to this Respondent has stated that, as on date that there is no residential houses, temple, burial ground and forest lands are situated in and around the 300 mts radial distance from the quarry site.

11. It is humbly submitted that, as per rule 36(1-A) (c) of Tamil Nadu Minor Mineral Concession Rules, 1959, "no new layout, building plans falling within 300 mts from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained".

12. It is respectfully submitted that, necessary instructions and directions have been issued to the Block Development Officer, Tiruppur vide letter of Rc. No.1550/Mines/2020, dated 07.12.2020 and Assistant Director, Department of Town and Country Planning, Tiruppur to take necessary action as per rule 36(1-A) of Tamil Nadu Minor Mineral Concession Rules, 1959.

4. Since, the 1st respondent has categorically stated in his counter affidavit that as on date there are no residential houses, temple, burial ground and forest lands situated in and around 300 mts radial distance from the petitioner's quarry site, the apprehensions raised in the writ petition by the petitioner is uncalled for. The petitioner is also satisfied with the statements made by the first respondent in the above mentioned paragraphs of his counter affidavit filed before this Court. The 5th respondent viz., Block Development Officer has also agreed with the statements made by the first respondent before this Court.

5. After recording the respective statements made by the first respondent as well as the 5th respondent, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi2

To

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Tirupur.

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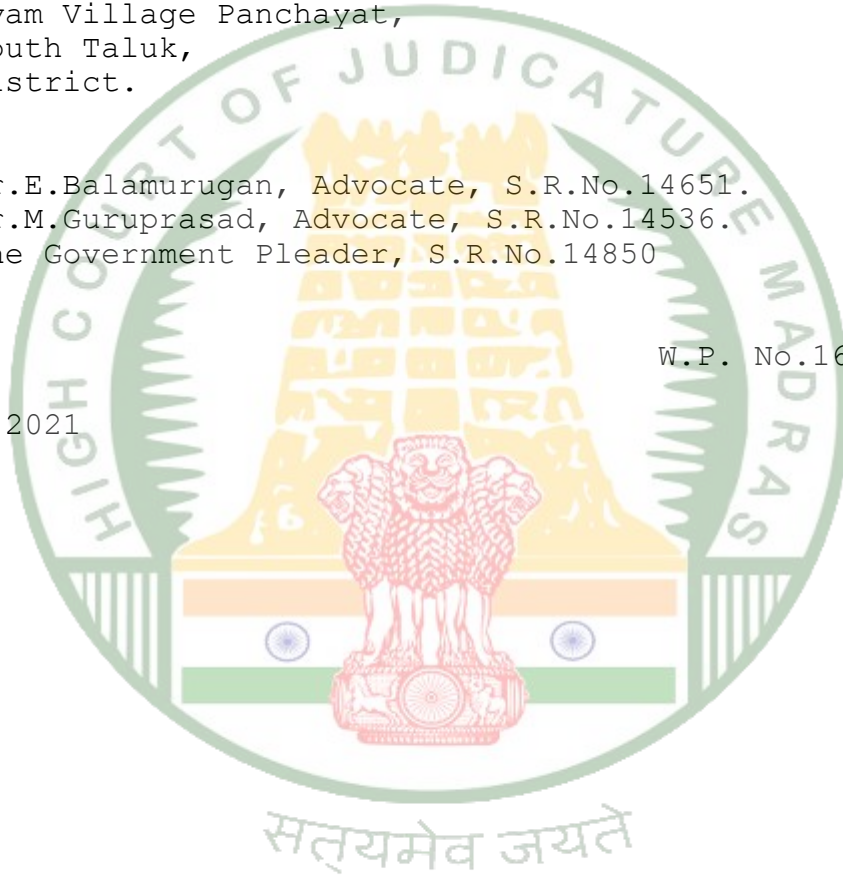
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Nachipalayam Village Panchayat,
Tirupur South Taluk,
Tirupur District.

+1cc to Mr.E.Balamurugan, Advocate, S.R.No.14651.
+1cc to Mr.M.Guruprasad, Advocate, S.R.No.14536.
+1cc to the Government Pleader, S.R.No.14850

W.P. No.16984 of 2020

KK(CO)
CSR 25.03.2021



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