

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 33296 of 2017
and
W.M.P.No. 36729 of 2017

City Medi Tech Industries Private Limited,
Represented by its Managing Director,
R.Palanisamy,
5/128, Kooli Palayam, Bangal Thottam,
Vavipalayam PO, Perumallur Via,
Thiruppur - 641 666. Petitioner

Vs

1. The Additional Director,
Directorate of Town and Country Planning,
Salem Division, Salem - 636 007.
2. The President,
Suriyanallur Village Panchayat,
Dharapuram Taluk,
Thiruppur District - 638 706.
3. The District Collector,
Office of the Collectorate of Thiruppur,
Thiruppur District - 641 604.
4. The Block Development Officer,
Kundadam Panchayat Union,
Thiruppur District - 638 702.
5. The Revenue Divisional Officer,
Dharapuram, Thiruppur District - 638 657.
6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thiruppur South, Thiruppur - 641 601.
7. A.Kalimuthu,
S/o.Arusamy Gounder
(R7 Impleaded as per Order of this Court
in W.P.No.33296 of 2017 dated 11.01.2018) Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue 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 Petitioner : Ms.Hema Muralikrishnan
for Mr.L.Muralikrishnan
For R1, R3 & R5 : Mr.N.Inbanathan
For R2 & R4 : Mr.E.Balamurugan
Special Government Pleader
For R6 : Ms.S.Rita Chandrasekaran
For R7 : Mr.C.Prakasam

ORDER

The writ petition has been filed for a Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd respondent vide order dated 22.10.2016 and quash the same and consequently direct the 2nd respondent to issue order of extension to complete the building 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 dated 12.12.2014 bearing reference Na.Ka.No.2763/2014 SM3.

2. By the impugned order, the 2nd respondent has refused to extend the time for completing the construction in view of threat to law and order situation by the villagers to the Biomedical Plant/Biomedical Waste Treatment Unit, being constructed and installed by the petitioner. The villagers are reportedly aggrieved by the Biomedical Plant/Biomedical Waste Treatment Unit that was being constructed by the petitioner to the approval given by the 2nd respondent on the ground that the construction of the Biomedical Plant/Biomedical Waste Treatment Unit poses threat to the health of the villagers in the nearby vicinity.

3. The 4th respondent/Block Development Officer has filed additional counter, wherein, it is stated that the petitioner has deviated from the sanctioned plan issued by the Deputy Director of Town and Country Planning Authority and that the 1st respondent/Additional Director has also issued a notice to the petitioner and therefore unless a revised technical clearance is issued, extension sought for by the petitioner cannot be considered. It is further submitted by the 4th respondent/Block

Development Officer that the petitioner has not submitted/enclosed necessary documents required for grant permission as contemplated in the procedures and the norms. It is further submitted that the petitioner has not furnished certificates from the Pollution Control Board, Inspector of Factories, Health Inspector, District Superintendent of Police and Fire Service and that the petitioner had obtained "No Objection Certificate" from the Fire Service Department on 24.11.2014, which was valid only for a period of one year and thereafter the petitioner has not taken any steps to renew the same.

4. I have considered the arguments advanced on behalf of the petitioner and the respondents.

5. If the petitioner has indeed deviated and a notice has been issued by the 1st respondent/Additional Director, the petitioner is directed to comply with all the requirements and meet out the deviation notice purportedly issued by the 1st respondent/Additional Director.

6. However, the extension for completing the construction cannot be denied by the 2nd respondent/President of the Suryanallur Village, Dharapuram Taluk, Tirupur District merely on the ground that the villagers are agitated and were holding dharna and that there can be law and order situation if construction is allowed. If there is law and order situation, it is for the Law Enforcement Authority and the 3rd respondent/District Collector particularly to ensure that no untoward incident takes place.

7. Therefore, I am inclined to quash the impugned order dated 22.10.2016 of the 2nd respondent/President of the Suryanallur Village, Tirupur District, while permitting the petitioner to take steps to file appropriate application/representation correct the deviation purportedly pointed by the 1st respondent/Additional Director.

8. After the petitioner complies with all the requirements and the defects pointed out by the 1st respondent/Additional Director are removed, the petitioner may be permitted to commence the operations subject to compliance of other provisions of law which govern the sitting up of Biomedical Plant/Biomedical Waste Treatment Unit.

9. The petitioner is therefore directed to file appropriate application/representation before the 1st respondent/Additional Director within a period of 30 days from the date of receipt of a copy of this order, if the petitioner has already not approached the 1st respondent/Additional Director.

10. This Writ Petition stands disposed of with the above observations. The objection of the 4th respondent/Block Development Officer that the land is "Ryotwari Punjai" which is an agricultural land and that the construction has been carried out without obtaining re-classification of the land for industrial purpose may also be considered and disposed in accordance with law. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

arb

To

1. The Additional Director,
Directorate of Town and Country Planning,
Salem Division, Salem - 636 007.
2. The President,
Suriyanallur Village Panchayat,
Dharapuram Taluk,
Thiruppur District - 638 706.
3. The District Collector,
Office of the Collectorate of Thiruppur,
Thiruppur District - 641 604.
4. The Block Development Officer,
Kundadam Panchayat Union,
Thiruppur District - 638 702.
5. The Revenue Divisional Officer,
Dharapuram, Thiruppur District - 638 657.
6. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Thiruppur South, Thiruppur - 641 601.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.16199

+1cc to Mr.L.Murali Krishnan, Advocate, S.R.No.16337

W.P. No. 33296 of 2017
and

W.M.P. No. 36729 of 2017

MG(CO)
KM(23/04/2021)