



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.23138 of 2019

and

W.M.P. (MD) .Nos.19859 and 19860 of 2019

1.N.Nallathambi
2.V.S.Veerabagu
3.N.Senthil Kumar
4.A.Antonydoss
5.G.Swaminathan

...Petitioners

Vs.

1.The District Collector,
Madurai District,
Madurai-625 020.

2.The Assistant Director of Town Panchayats,
Madurai Collectorate, Madurai-625 020.

3.The Executive Officer,
Town Panchayat,
Paravai-625 020.

4.S.Shanmugasundaram
5.M.Balan
6.Raja Murugan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents 1 to 3 to take action based on the petitioner's representation dated 16-07-2019 and 18-07-2019 and remove the industrial units belonging to Respondents 4 to 6 located in Survey Nos.129/3(p) and 129/5(p) in UDR No.143/3A and 143/5A2 and in Survey Nos.129/5UDR No.143/5A in Paravai 1st Bit Village, from the residential area following statutory norms and ensure that due statutory procedures are followed in the matter of maintaining residential zones free from industries.

For Petitioners : Mr.I.Viswanathan

For Respondents 1& 2 : Mr.M.Muniasamy

Additional Government Pleader



For Respondent No.3 : Mr.B.Bhagawathy
Government Advocate

For Respondent No.6 : Mr.R.Rajamohan

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ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 to take action on the representation made by the petitioners on 16.7.2019 and remove the industrial units run by the respondents 4 to 6 in the residential area.

2. The grievance of the petitioners is that the respondents 4 to 6 are running industrial units in a residential area without getting any permission or approval and thereby they are causing pollution in the area and also disturbing all the residents in the locality. According to the petitioners, the 4th respondent is running an industrial unit which manufactures Paver Blocks, Hollow Blocks, etc. The 5th respondent is engaged in running an automobile workshop. The 6th respondent has constructed a go-down for industrial purpose.

3. The petitioners gave a representation to the respondents 1 to 3 to take action against the respondents 4 to 6 and to remove the industrial units. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.L.Viswanathan, learned counsel appearing for the petitioners, Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondents 1 & 2, Mr.B.Bhagawathy, learned Government Advocate appearing for the 3rd respondent, and Mr.R.Rajamohan, learned counsel appearing for the 6th respondent. The respondents 4 and 5 have been served with notice and their names have also been printed in the cause list. There is no representation either in person or through counsel.

5. The 3rd respondent has filed a counter affidavit in this case. The relevant portion in the counter affidavit is extracted hereunder:

"5. I submit that we have denied the allegation levelled by the petitioners against these respondents that we have not taken any action on their representations. In fact, by the approval number 80/2010-11 dated 15.09.2010, the 3rd respondent Town Panchayat granted planning approval in favour of the 4th respondent. At the same time, there is no approval given in favour of the 5th respondent for constructing and running an



automobile shop and also we are not given any permission in favour of the 6th respondent to construct any go-down. In fact, all those particulars have been intimated to the 1st petitioner by the 3rd respondent in his Proceedings dated 26.8.2019 in Na.Ka.No.106/2019."

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6. It is clear from the above that even as per the stand taken by the 3rd respondent, the respondents 4 to 6 have not got any approval to run an industrial unit in a residential area. In fact, the 3rd respondent has granted approval to the respondents only for putting up residential building. Having taken such a stand, the 3rd respondent cannot turn a blind eye and permit the respondents 4 to 6 to run the illegal industrial units. By now, action should have been taken and the industrial units should have been closed. Unfortunately, the same has not been done.

7. This Court has absolutely no hesitation to allow this writ petition and issue appropriate directions to the 3rd respondent. Accordingly, the 3rd respondent is directed to immediately take action against the respondents 4 to 6 and close down the industrial units, which are being run without getting any permission/approval. This process shall be completed by the 3rd respondent within a period of four(4) weeks from the date of receipt of a copy of this order.

8. The petitioners are directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order. The copy of the representation shall also be marked to the first respondent.

9. This writ petition is allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.S.)

// True Copy //

Sub Assistant Registrar(CS)

PJL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Madurai District, Madurai-625 020.

2.The Assistant Director of Town Panchayats,
Madurai Collectorate, Madurai-625 020.

3.The Executive Officer,
Town Panchayat,
Paravai-625 020.

1CC TO MR.I.VISWANATHAN, ADVOCATE SR:17624

GS

04/05/2021

4P/5C

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