

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.2275 OF 2022

A.Nallamuthu

... Petitioner

Vs.

1. The District Collector
Tiruppur,
Tiruppur District.
2. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
3. The Tahsildar,
Madathukulam,
Tiruppur District.
4. The Executive Officer,
Sankaramanallur Village Panchayat Union,
Komralingam,
Tiruppur District.
5. The President,
Sankarmanallur Village Panchayat Union,
Komralingam,
Tiruppur District.
6. M/s.Samsen Papers Private Limited,
No.76, Bharathi Park,
Cross Road No.7, Coimbatore.
Having also,
S.No.371, Sankaramanallur North,
Madathukulam, Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the fourth and fifth respondents to consider the petitioner's representation dated 21.12.2021, 09.01.2022 for taking an action

as against the sixth respondent in illegally commencing the paper manufacturing unit comprised in Survey Number : 371, Sankaramanallur North, Madathur, Madathukulam, Tiruppur District.

For Petitioner : Mr.K.Myilsamy

For R1 to R3 : Mr.B.Tamilnidhi,
Additional Government Pleader

For R4 & R5 : Mr.M.Rajendran
Additional Government Pleader

For R6 : Mr.Saiprasad

O R D E R

The petitioner has filed this Writ Petition to direct the fourth and fifth respondents to consider the representations of the petitioner dated 21.12.2021 and 09.01.2022 for taking action against the sixth respondent M/s.Samsen Papers Private Limited, for illegally commencing the paper manufacturing unit comprised in Survey No.371, Sankaramanallur North, Madathur, Madathukulam, Tiruppur District.

2. The facts on record and documents filed by the respondents and the counter affidavit filed by the fourth and fifth respondents indicate that the sixth respondent has not commenced any factory barring the laying of water pipe lines for the proposed paper manufacturing unit in the land situated adjacent to the petitioner's land. The facts on records also indicates that the fifth respondent has also obtained No Objection Certificate (NOC) from the Fire and Rescue Department on 12.04.2021 and received a communication dated 19.06.2014 from the Deputy Director of DTCP regarding the classification of the land and obtained a Consent Letter dated 26.09.2020 from the Tamil Nadu Pollution Control Board.

3. Pursuant to the instruction of the Deputy Director of Town and Country Planning Department, the sixth respondent has also given a undertaking that without getting approval, no construction work will be commenced.

4. It is noticed that the fourth and fifth respondents further have stated that the approval will be granted in due course of time and the sixth respondent has also given undertaking that no construction will be carried out. Therefore there is no merits in this Writ Petition. The action of the

sixth respondent will be in compliance with Section 160 of the Tamil Nadu Panchayat Act, 1994.

5. In view of the above, Writ Petition filed by the petitioner is liable to be dismissed. It is made clear that before proceeding to grant permission under Section 160 of the Tamil Nadu Panchayat Act, 1994, the petitioner may be heard as the petitioner is aggrieved by the proposed construction of the paper mill. It is also made clear that the permission shall be granted to the sixth respondent in accordance with law.

6. This Writ Petition is dismissed. No cost.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector
Tiruppur, Tiruppur District.
2. The Revenue Divisional Officer,
Udumalpet, Tiruppur District.
3. The Tahsildar,
Madathukulam, Tiruppur District.
4. The Executive Officer,
Sankaramanallur Village Panchayat Union,
Komralingam, Tiruppur District.
5. The President,
Sankarmanallur Village Panchayat Union,
Komralingam, Tiruppur District.

+1cc to Mr.K.Myilsamy, Advocate, S.R.No.39728
+1cc to Mr.M.Rajendran, Advocate, S.R.No.40235
+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.39469
+1cc to the Government Pleader, S.R.No.40102

W.P.No.2275 of 2022

GPL(CO)
RLP(13/07/2022)