



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P.No.3500 of 2022

and

W.M.P.No.3638 of 2022

K.V.Velusamy

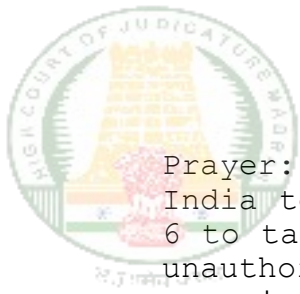
... Petitioner

vs

1. The District Collector,
Tiruppur,
Tiruppur District.
2. The Deputy Director,
Town and Country Planning,
Kumaran Complex,
(Opposite to Railway Station),
Tiruppur.
3. The Block Development Officer,
Palladam Panchayat Union,
Palladam Taluk,
Tiruppur District.
4. The Commissioner,
Geology and Mining,
Thiru Vi Ka Industrial Estate,
Guindy,
Chennai.
5. The Commissioner,
Palladam Panchayat Union,
Palladam Taluk,
Tiruppur District.
6. The President,
Poomalur Panchayat,
Palladam Taluk,
Tiruppur District.

7.P.Chandrasekar

... Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 6 to take an appropriate action as against 7th respondent for the unauthorised constructions made by him in respect of land comprised in Survey Number: 277/1 situated at Poomalur Village, Palladam Taluk, Tiruppur District.

For Petitioner : Mr.K.Myilsamy

For Respondents 1 & 2 : Mr.K.V.Sajeev Kumar
Special Government Pleader

For Respondent 3 : Mr.M.Rajendiran
Additional Government Pleader

For Respondent 4 : Mr.B.Vijay
Additional Government Pleader

For Respondents 5 & 6 : Mr.T.Venkatesh Kumar
Special Government Pleader

ORDER

[Order of this Court was delivered by T.RAJA, J.]

The petitioner, Mr.K.V.Velusamy, S/o.Venkatachala Gounder residing at Door No.2/252, South Thottam, Kalivelampatti Post, Palladam Taluk, Tiruppur, has brought this Writ Petition under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 6 to take appropriate action against 7th respondent for the unauthorised construction made by him in respect of land comprised in Survey No.277/1 situated at Poomalur Village, Palladam Taluk, Tiruppur District.

2. Mr.K.V.Sajeev Kumar, learned Special Government Pleader takes notice for the respondents 1 and 2, Mr.M.Rajendiran, learned Additional Government Pleader takes notice for the third respondent, Mr.B.Vijay, learned Additional Government Pleader takes notice for the fourth respondent and Mr.T.Venkatesh Kumar, learned Special Government Pleader takes notice for the respondents 5 and 6.

3.The learned Counsel for the petitioner submitted that the petitioner is running stone quarry business under the name and style of "Sri Vinayaga M-Sand" and "Selva Vinayaka Blue Metals" by obtaining consent order from the Tamil Nadu Pollution Control Board for doing the stone crushing business for the period from 03.09.2021 to 31.03.2025. Further, as per Rule 36 (1) (a) and (c) of Tamil Nadu Minor Minerals Concession Rules, 1959, the respondents are restricted from granting any building



permission/layout plans falling within 300 metres from stone quarrying operations. These distances are called as prohibited distance and no officials will deviate this statutorily prohibited distance while considering any application and thereby, the respondents cannot grant any building permission/layout or anything to any one falling within the prohibited distance. While so, the seventh respondent, who owned unapproved plot comprised in Survey No.277/1 which is situated within 200 metres distance from the petitioner's existing stone crushing unit and stone quarry operations, is going to put up building construction without obtaining any building permission from the respondents. Therefore, a representation has been made by the petitioner on 04.12.2021 before the respondents 1 to 6 seeking action to be taken against the seventh respondent. Since no action has been taken on the representation made by the petitioner, the present Writ Petition has been filed.

4.Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that since the third respondent is the competent authority, a direction may be issued to the third respondent to consider and pass orders on the representation made by the petitioner.

5.Considering the limited relief sought in this Writ Petition and the submission made by the learned Special Government Pleader, the third respondent is directed to consider the representation made by the petitioner on 04.12.2021 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the seventh respondent.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srm



To

1. The District Collector,
Tiruppur,
Tiruppur District.
2. The Deputy Director,
Town and Country Planning,
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(Opposite to Railway Station),
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Palladam Taluk,
Tiruppur District.
6. The President,
Poomalur Panchayat,
Palladam Taluk,
Tiruppur District.

+lcc to Mr.K.Myilsamy, Advocate, S.R.No.12168
+lcc to the Government Pleader, S.R.No.12343,12332

W.P.No.3500 of 2022

RSI (CO)
CT 14/03/2022