



W.P.No.11774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11774 of 2023

T.Manikandan

... Petitioner

-Vs-

1. The District Collector
Coimbatore District
Coimbatore.
2. The Superintendent of Police
Coimbatore District.
3. The President
Kaniyur Village Panchayath
Sulur Union
Coimbatore District.
4. Mohankumar
Podhigai Garden Farm House
Survey No.348
Industrial Land, Kaniyur Village Panchayath
Sulur Union, Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 1st respondent herein to consider the petitioner's representation dated 25.03.2023 to take appropriate measures to run the factory the petitioner setting up smoothly without any disturbance by obtaining due permission from the government on the land allotted for the factories by the government.



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For Petitioner	Mr.S.Marimuthu for Mr.N.Vijayaraj
For Respondents	Mr.S.Arumugam Government Advocate for R1, R2
	Mr.RU.Dinesh Rajkumar Additional Government Pleader for R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to consider the representation made by the petitioner on 25.03.2023, wherein the petitioner has sought for running his factory in a smooth manner without any disturbance.

2.Heard Mr.S.Marimuthu, learned counsel for the petitioner, Mr.S.Arumugam, learned Government Advocate for R1, R2 and Mr.RU.Dinesh Rajkumar, learned Additional Government Pleader for R3.

3.The case of the petitioner is that he wanted to put up an industry in the subject property. There was some dispute between the petitioner and one Mohan Kumar, who is said to have objected for the petitioner putting up the x-ray unit in the subject property. The grievance of the petitioner is that the Panchayat President issued a letter dated 27.01.2023



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and directed the petitioner to stop the construction work. A representation was made in this regard to the first respondent on 25.03.2023. Since the same was not considered, the present writ petition has been filed before this Court.

4.It is an admitted case that no sanction has been given to the petitioner to put up the construction in the subject property. The President of the Panchayat had issued the notice dated 27.1.2023, to the petitioner directing the petitioner to stop all the construction activities. The petitioner can proceed further to construct and establish an industry only if there is a proper sanction to the petitioner. Hence, the request made by the petitioner, to direct the first respondent to consider the representation dated 25.3.2023, cannot be acceded to. The representation proceeds as if, the petitioner is being prevented from putting up the construction and hence protection must be given to enable the petitioner to complete the construction and to run the industry. The first respondent cannot consider this representation since admittedly the petitioner has not received any approval from the concerned authority. There is no averment made in the affidavit to that effect and there is not even a single material placed before this Court to show that the petitioner has received the approval.



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5.In the light of the above discussion, this Court does not find any merits in this writ petition and accordingly, this writ petition stands dismissed. No costs.

19.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No



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To

1. The District Collector
Coimbatore District
Coimbatore.
2. The Superintendent of Police
Coimbatore District.
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Kaniyur Village Panchayath
Sulur Union
Coimbatore District.



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N.ANAND VENKATESH, J.

KP

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