



W.P.No.11532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11532 of 2023

R.Ramachandran

...Petitioner

Vs

1. The President,
Pachudayampatti Panchayat,
Senthamangalam Union,
Namakkal District 637 409.

2. The Block Development Officer,
Pachudayampatti Panchayat,
Senthamangalam Union,
Namakkal District 637 409.

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records in impugned order issued by the 1st Respondent by way of Communication dated 20.02.2023 and quash the same as illegal and consequently direct the 1st Respondent to grant building plan approval to the Petitioner to file his application before the pollution control board to



W.P.No.11532 of 2023

establish his small-scale industry having UDYAM registered number UDYAM-TN-14-0035221.

For Petitioner :

ORDER

The petitioner has challenged the rejection letter issued by the 1st respondent dated 20.02.2023 and has sought for a consequential direction to the 1st respondent to grant building plan approval to the petitioner to put up a small scale factory in the subject property.

2. The case of the petitioner is that he wanted to establish a small scale factory. According to the petitioner, the industry which he was proposing to establish comes under the green category of Industries. For this purpose, the petitioner also obtained the registration certificate under the MSME Scheme. In order to establish the small scale factory, the petitioner requires the No objection certificate from the Tamil Nadu Pollution Control Board. Hence, the petitioner was in the



W.P.No.11532 of 2023

WEB COPY

process of collating all the relevant documents in order to submit the same before the Pollution Control Board. For this purpose, the petitioner had also submitted the application along with the layout plan and sought for the sanction from the 1st respondent. The grievance of the petitioner is that the 1st respondent had rejected the application on the ground that the petitioner can seek for the sanction only after getting the No objection certificate from the Tamil Nadu Pollution Control Board. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Heard Mr.R.Suryakumaran, learned counsel for the petitioner and Mrs.C.Selvaraj, learned Additional Government Pleader appearing on behalf of respondents.

4. According to the petitioner, there are a list of enclosures which must be submitted before the Tamil Nadu Pollution Control Board in order to get the No objection



W.P.No.11532 of 2023

WEB COPY

certificate from the Board. One such document that has to be submitted is the layout plan. The petitioner has understood this requirement as if it must be an approved layout plan given by the 1st respondent. According to the petitioner, without the approved layout plan given by the 1st respondent, the Tamil Nadu Pollution Control Board will not give the no objection certificate. Therefore, the grievance of the petitioner is that the 1st respondent instead of giving the approved layout plan, has proceeded to reject the application, directing the petitioner to get the no objection certificate from the Pollution control Board.

5. In the considered view of this Court, the petitioner has completely misunderstood the submission of layout plan which is one of the enclosure that is required to be submitted before the Tamil Nadu Pollution Control Board for getting the no objection certificate. The layout plan that is referred to in the enclosure is the layout plan prepared by the petitioner and not



W.P.No.11532 of 2023

WEB COPY

the approved layout plan as is issued by the 1st respondent. In fact, there is no question of approval by the 1st respondent unless the petitioner gets the no objection certificate from the Pollution Control Board. This misunderstanding / wrong understanding on the part of the petitioner has resulted in the filing of the present writ petition.

6. The learned Additional Government Pleader appearing on behalf of the respondents submitted that if the petitioner gets No objection certificate from the Pollution Control Board and submits the application before the 1st respondent, the same will be considered in accordance with law.

7. In the light of the above discussion, this Court does not find any ground to interfere with the impugned communication of the 1st respondent dated 20.02.2023. It is left open to the petitioner to submit all the relevant documents before the Pollution Control Board and after getting the No



W.P.No.11532 of 2023

WEB COPY

objection certificate from the Pollution Control Board, the same can be submitted along with the application to the 1st respondent and thereafter, the 1st respondent can deal with the application in accordance with law. Except giving this clarity, no further orders can be passed in this writ petition.

8. This writ petition is disposed of in the above terms.

No costs.

17.04.2023

rka

Note : Issue order copy on 25.04.2023

To

1. The President,
Pachudayampatti Panchayat,
Senthamangalam Union,
Namakkal District 637 409.
2. The Block Development Officer,
Pachudayampatti Panchayat,
Senthamangalam Union,
Namakkal District 637 409.



WEB COPY



W.P.No.11532 of 2023

N.ANAND VENKATESH.,J
rka

W.P.No.11532 of 2023

17.04.2023