



W.P. No. 30368 of 2023 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. Nos. 30368, 30372, 30373, 30375, 30379,
30386, 30391 and 30415 of 2023**

and

**W.M.P. Nos. 29958, 29959, 29968 to 29973, 29983, 29985, 29999,
30001 to 30003, 30019 and 30020 of 2023**

W.P. No. 30368 of 2023:-

BULL and BUSH RESORT
Rep. by its Proprietor
B. Krishnakumar
Hasanur Village
Thalavadi Taluk
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.
3. The Tahsildar
Thalavadi Taluk
Erode District.



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4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same.

W.P. No. 30372 of 2023:-

Fire Fly Resorts
Rep. by its Managing Partner
V.S.Sankar
Mysore Main Road
Hasanur, Sathyamangalam
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.
3. The Tahsildar
Thalavadi Taluk
Erode District.



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4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same and the consequential order dated 10.10.2023 in Na.Ka.No.2420/2022/E.Ma.-3 passed by the Second Respondent and to quash the same.

W.P. No. 30373 of 2023:-

Naval Resorts
Rep. by its Managing Director
S.G.Kavinkumar
S.F.No.135, Hasanur Village
Sathyamangalam, Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.
3. The Tahsildar
Thalavadi Taluk
Erode District.



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4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same and the consequential order dated 10.10.2023 in Na.Ka.No.2420/2022/E.Ma.-3 passed by the Second Respondent and to quash the same.

W.P. No. 30375 of 2023:-

Destination Dream Holidays India Limited
Rep. By its Chairman/Managing Director
R.Kalyanasundaram
Hasanur Village
Thalavadi Taluk
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.



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3. The Tahsildar
Thalavadi Taluk
Erode District.

4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- E.Ma.-3 dated 10.10.2023 passed by the Second Respondent and to quash the same.

W.P. No. 30379 of 2023:-

Hill View Farm Resorts
Rep. by its Parnter
V.Arisvaran
D.No.2/841, Ongalvadi Road
Hasanur Village, Thalavadi Taluk
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.

2. The Deputy Director
District Town and Country Planning Office
Erode District.



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3. The Tahsildar
Thalavadi Taluk
Erode District.

4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same.

W.P. No. 30386 of 2023:-

Natures Touch Resort
Rep. By its Proprietor
S.Mohan Kumar
Ongalvadi Main Road
Hasanur Village, Thalavadi Taluk
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.

2. The Deputy Director
District Town and Country Planning Office
Erode District.



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3. The Tahsildar
Thalavadi Taluk
Erode District.

4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same.

W.P. No. 30391 of 2023:-

Naughty Club
Rep. By its Partner
C.Selvakumar
No.1/444, Dharani Garden
Old Hasanur Village
Thalavadi Taluk
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.



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3. The Tahsildar
Thalavadi Taluk
Erode District.

4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in Na.Ka. No. 2420 / 2022- E.Ma.-3 dated 10.10.2023 passed by the Second Respondent and to quash the same.

W.P. No. 30415 of 2023:-

Honey Dew Resorts
Rep. By its Managing Director
S.A.Muthu Kumaran
Germalam, Sathyamangalam
Erode District.

... Petitioner

-VS-

1. The District Collector
Erode District, Erode.

2. The Deputy Director
District Town and Country Planning Office
Erode District.



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3. The Tahsildar
Sathyamangalam Taluk
Erode District.

4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.

5. The President
Hasanur Village Panchayat
Thalavadi Taluk
Erode District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order made in File No. 2420 / 2022- ED-3 dated 20.09.2023 passed by the Second Respondent and to quash the same.

For Petitioners : Mr. V.Ayyathurai,
(in all W.P.s) Senior Counsel
for Mr. C.S.Saravanan

For Respondents : Mr. S.J.Mohamed Sathik
(in all W.P.s) Government Advocate (for R1 to R3)

Mr. E.Veda Bagath Singh (for R4 & R5)

COMMON ORDER

Heard Mr. V.Ayyathurai, Learned Counsel for the Petitioners,
Mr. S.J.Mohamed Sathik, Learned Government Advocate appearing for the



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First to Third Respondents and Mr. E.Veda Bagath Singh, Learned Counsel for the Fourth and Fifth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Court during the earlier hearing on 19.10.2023 had passed the following self-explanatory order:-

“2. The Petitioners, who are having resorts for stay for use of public in Hasanur Village, Thalavadi Taluk, Erode District, assail the notices dated 20.09.2023 in File No. 2420/2022-ED-3 issued by the Second Respondent in terms of Form – V as per Rule 6(1) of the Tamil Nadu Town and Country Planning (Removal of Unauthorized Development) Rules, 2022, in this batch of Writ Petitions.

3. Learned Senior Counsel appearing for the Petitioners vehemently contends that apart from the fact that none of the said notices specifically mentions the nature of violation of the Rules, no prior notice of inspection or any notice calling upon the Petitioners to produce the planning permission obtained had been served on them. However, as the planning permission said to



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have been obtained have not been produced, time is sought in that regard.

4. Learned Government Advocate appearing for the First to Third Respondents, on instructions, states that the impugned notices to discontinue development in the lands have been issued after conduct of joint inspection by the concerned authorities on 01.07.2022 followed by issue of notice dated 07.07.2022 in terms of Form – I as per Rules 3 of the Rules and notice dated 06.12.2022 in terms of Form – IV as per Rule 5(b) of the Rules, and informs that proof in that regard would be produced along with Counter-Affidavits.”

It is represented by Learned Counsel for the Petitioners that the Petitioners would be immediately making necessary application for planning permission under the relevant provisions of the Tamil Nadu Town and Country Planning Act, 1971, and the Rules made thereunder and take corrective measures as required in the impugned notices.

3. In such circumstances, this Court without expressing any view on the merits of the controversy involved, passes the following order:-



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(i) the impugned orders passed by the Second Respondent shall not be given effect till 30.04.2024;

(ii) if the Petitioners make the necessary application for planning permission, it shall be incumbent upon the Second Respondent to examine the same including ascertaining as to whether the Petitioners would be entitled for the relief claimed;

(iii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the persons concerned including the Petitioners requiring the same to be furnished within a time frame of not less than 10 days for the same;

(iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioners and all other persons concerned to explain their position in that regard;

(v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of the Court.



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In the result, these Writ Petitions are disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petitions are closed. No costs.

30.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.03.2024.

Maya

To

1. The District Collector
Erode District, Erode.
2. The Deputy Director
District Town and Country Planning Office
Erode District.
3. The Tahsildar
Thalavadi Taluk
Erode District.
4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.
5. The President
Hasanur Village Panchayat
Thalavadi Taluk, Erode District.
6. The Tahsildar,
Sathyamangalam Taluk,
Erode District.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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