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W.P. No. 30370 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. 30370, 30371, 30376 to 30378,
30380 to 30382, 30384 and 30387 of 2023
and**

**W.M.P. Nos. 29961, 29963, 29965, 29966, 29975, 29977, 29978, 29979,
29982, 29984, 29987 to 29995, 29997, 29998 and 30000 of 2023**

W.P. No. 30370 of 2023:-

Balaji Cottage
Rep. by its Authorised Signatory
S.Kolandasamy
S.F.No.15/2, Ongalvadi Main Road
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.
4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.



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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 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. 30371 of 2023:-

Mountain Way Resort,
Rep. by its Proprietor,
G. Jegadesh,
S.F.No.134/ Ibic Haanur Village,
Thalavadi,
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.
4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.



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

... Respondents

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W.P. No. 30376 of 2023:-

Wild Valley Enterprises
Rep. by its Managing Partner
Jasmine Daniel
Germalam Post
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
Sathyamangalam Taluk
Erode District.
4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.



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5. The President
Germalam 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. 30377 of 2023:-

Evergreen Resorts
Rep. by its Proprietor
S.Kumar
R.S. No. 162, Bama Avenue
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.
4. The Block Development Officer
Thalavadi Panchayat Union
Thalavadi Taluk, Erode District.



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

... Respondents

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W.P. No. 30378 of 2023:-

K.A.S. Sangam Resorts
Rep. by its Proprietor
A.Ranjith
S.F. No.51/2A1, A1
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 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. 30380 of 2023:-

The Silva Castle Resort
Rep. By its Managing Director
K.Krishnasamy
No.654, Dev Farm Road
Mavallam, 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. 30381 of 2023:-

Hill Chill Resorts
Rep. By its Proprietor
K.Selvaraj
No.2/930, Arepalayam
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.

W.P. No. 30382 of 2023:-

K.A.S. Resorts
Rep. By its Proprietor
A.Prakash
S.F. No. 51/2, Site No.72
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 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. 30384 of 2023:-

Maavalam Farms and Resorts
Rep. By its Proprietor
S.Deepa Lakshmi
No.3/596, Mavallam Village
Arepalayam Post
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.

W.P. No. 30387 of 2023:-

K.A.S. Farms and Resorts
Rep. By its Proprietor
Sabarinathan
Arepalayam, 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.

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. It is asserted that the development in their

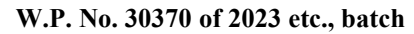


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respective properties are strictly in accordance with the planning permission obtained from the Fifth Respondent, copies of which have been placed on record.

4. *On the contrary, 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, but seeks time to produce proof in that regard and file Counter-Affidavits.*

5. *Having regard to the aforesaid submissions made, there shall be an order of interim stay of the impugned notices till the next hearing insofar as they relate to the direction to discontinue development in the respective properties, but it is made clear that any such development carried out shall be strictly in accordance with the planning permission granted for*



taking any action for violation in that regard."

required in the impugned notices.

merits of the controversy involved, passes the following order:-

- (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;



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(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.

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



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To

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

Copy to

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



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W.P. No. 30370 of 2023 etc., batch

P.D. AUDIKESAVALU, J.

Maya

W.P. No. 30370 of 2023 etc., batch

30.11.2023