



W.P(MD)No.13369 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13369 of 2023

and

W.M.P(MD)No.11342 of 2023

A.Chandrakumar

... Petitioner

Vs.

- 1.The District Collector
Karur District,
Karur.
- 2.The Assistant Director of Town and Country Planning,
Karur District,
Karur.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.26, Ramakrishnapuram (West),
Karur District- 639 001.
- 4.The Revenue Divisional Officer,
Karur,
Karur District.



W.P(MD)No.13369 of 2023

5.The Block Development Officer

K.Paramathy,
Pugalur Taluk,
Karur District.

6.The Executive Engineer

TANGEDCO,
(Operations and Maintenance),
Gramiyam,
Karur District.

7.The Chairman

K.Paramathy Panchayat Union,
Karur District.

8.The President

Thennilai Melpagam Village Panchayat,
Pugalur Taluk,
Karur District.

9.R.Raja R

10.K.Parthiban

11.P.Ramalingam

12.N.Chinnasamy

13.N.Thangavel

14.R.Nachimuthu

15.A.P.Duraisamy

16.K.Rajamani

...Respondents



W.P(MD)No.13369 of 2023

WEB COPY

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the 5th respondent in Na.Ka.No.A2/2102/2022 dated 27.02.2023 and the consequential resolution passed by the 7th Respondent dated 06.04.2023 quash the same and further directing the Respondents 5 and 7 to issue final approval to the petitioner for running PPC Cement Blending unit based on the technical approval issued by the 2nd respondent in Na.Ka.No. 2027/2021/Ka Ma, dated 19.04.2022.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mrs.D.Farjana Ghoushia - for R1, R2 & R4

Special Government Pleader

Mr.T.Amjad Khan - for R5, R7 & R8

Government Advocate

Mr.S.Deenadhayan, - for R6

Mr. Vijayakumari Natarajan - for R3



W.P(MD)No.13369 of 2023

WEB COPY

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order passed by the fifth respondent / Block Development Officer, K.Paramathy, Pugalur Taluk, Karur District, dated 27.02.2023 and consequential resolution of the seventh respondent / Chairman, Paramathy Panchayat Union, Karur District, dated 06.04.2023, and to quash the same and to direct the respondents 5 and 7 aforementioned, to issue final approval to the petitioner for running PPC Cement Blending unit based on technical approval issued by the second respondent by an order, dated 19.04.2022.

2. The writ petition is dismissed even without issuing notice to the private respondents. The reason is that the private respondents, R.Raja, K.Parthiban, P.Ramalingam, N.Chinnasamy, N.Thangavel, R.Nachimuthu, A.P.Duraisamy and K.Rajamani, had joined together and filed a Writ Petition in W.P.(MD)No.27905 of 2022 as a "Public Interest Litigation" seeking a direction to the Court to issue necessary directions to the respondents 3 and 4 namely, Block Development Officer



W.P(MD)No.13369 of 2023

K.Paramathy, Pugalur Taluk, Karur District, and the President, Panchayat Union of Thennilai Melpagam, Pugalur Taluk, Karur District, to stop illegal construction of the very Cement Factory, for which the petitioner now seeks a Mandamus.

3. The petitioner cannot choose his forum. This is a clear case where the petitioner seeks to do forum shopping. He could very well appear before the Division Bench. He has not done so, but filing of the Writ Petition is malicious in nature.

4. The Writ Petition stands dismissed, as this Court cannot override the jurisdiction of the Division Bench and entertain the Writ Petition. Costs of Rs.25,000/- (Rupees Twenty Five Thousand only) is imposed on the petitioner and a direction is given to the seventh respondent/Chairman, K.Paramathy Panchayat Union, Karur District, to ensure that the petitioner pay the costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to the District Legal Service Authority, at Karur, The costs should be paid on or before **15.07.2023**. A report may be filed before the District Collector, Karur, whether the petitioner had paid the



W.P(MD)No.13369 of 2023

costs, if not, proceedings under Revenue Recovery Act, may be initiated against the petitioner herein for instituting the malicious Writ Petition. Consequently, connected miscellaneous petition is closed.

09.06.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM

To

- 1.The District Collector
Karur District,
Karur.
- 2.The Assistant Director of Town and Country Planning,
Karur District,
Karur.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.26, Ramakrishnapuram (West),
Karur District- 639 001.
- 4.The Revenue Divisional Officer,
Karur,
Karur District.



W.P(MD)No.13369 of 2023

WEB COPY

- 5.The Block Development Officer
K.Paramathy,
Pugalur Taluk,
Karur District.
- 6.The Executive Engineer
TANGEDCO,
(Operations and Maintenance),
Gramiyam,
Karur District.
- 7.The Chairman
K.Paramathy Panchayat Union,
Karur District.
- 8.The President
Thennilai Melpagam Village Panchayat,
Pugalur Taluk,
Karur District.



WEB COPY



W.P(MD)No.13369 of 2023

C.V.KARTHIKEYAN, J.

RM

W.P(MD)No.13369 of 2023

09.06.2023