



WP No.814 of 2024

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.814 of 2024

S.Nandhakumar

.. Petitioner

-VS-

1. State of Tamil Nadu,
Rep. by its Secretary,
Revenue and Disaster Management
Department, Fort St. George,
Chennai 600 009.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai 600 032.
3. The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai 600 107.
4. The District Collector,
Office of the Collectorate,
Tiruppur District – 641 604.
5. The Joint Director of Agriculture,
District Collectorate Perumthitta Campus,
Tiruppur.



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6. The Assistant Director,
District Town and Country Planning Office,
Tiruppur District.

7. The Block Development Officer,
Kundadam Panchayat Block,
Kundadam, Tiruppur District.

8. The President,
Perumalpalayam Village Panchayat,
Tiruppur District.

9. M/s.Amaravathy Coir Producer Company
Ltd., Rep. by Mr.Kandavel and Four others,
Puliyampatti Road, Mudalipalayam Post,
Kangeyam Taluk, Tiruppur 638 703.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd, 4th, 7th and 8th respondents herein to consider the representations of the petitioner dated 11.02.2023, 07.10.2023, 20.11.2023 and 22.11.2023 and consequently direct the respondents, 1, 2, 4, 7 and 8 to take an action against the 9th respondent illegal establishing Coir Producer Company Limited at R.S.Nos.776/2A and 776/2B in Mudalipalayam Village, Perumalpalayam Panchayat, Kangeyam Taluk, Tiruppur District and accordingly implement the resolution of the 8th respondent dated 02.10.2023 within a time frame to be fixed by this Court.

For the Petitioner : Mr.A.Pramila
for Mr.P.Nethaji

For the Respondents : Mr.C.Kathiravan
Special Govt. Pleader for RR 1, 3 to 7
: M/s.Shanmugavalli Sekar for R-2
: Mr.K.Myilsamy for R-8
: Mr.PL.Narayanan
for Mr.R.Jayaprakash for R-9



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Ms.A.Pramila, learned counsel for the petitioner, Mr.C.Kathiravan, learned Special Government Pleader for respondent Nos.1, 3 to 7, M/s.Shanmugavalli Sekar, learned counsel for respondent No.2, Mr.K.Myilsamy, learned counsel for respondent No.8 and Mr.PL.Narayanan, learned counsel for respondent No.9.

2. The petitioner seeks directions against the respondent Nos.2, 4, 7 and 8 to consider his representations and to take action against the 9th respondent for illegally establishing Coir Producing Company at S.No.776/2A and 776/2B in Mudalipalayam Village.

3. The learned counsel for the petitioner submits that the land in question is an agricultural land. The permission for conversion of the land from agriculture to non-agriculture has not been obtained by the 9th respondent as required under Rule 9 of the Tamil Nadu Change of Land Use (From to Non-Agriculture Purposes in Non-Planning



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Areas) Rules, 2017. The learned counsel further submits that no permission for planning/construction has been obtained by respondent No.9 from the competent authority. The coir industry use dye and because of that, the adjoining agricultural lands are also getting affected. The Pollution Control Board also has not given any permission.

4. The learned counsel for respondent No.9 submits that the Joint Director of Agriculture has already given his report and his concurrence for conversion of land to non-agriculture. The technical sanction is also obtained. The No Objection Certificate from the Fire and Rescue Department is also obtained. No illegal act is committed. According to the learned counsel, the petitioner is a Ward Member and an interested person. The respondent No.8, because of his vested interest, is not moving the file of respondent No.9. Necessary permissions are obtained. The consent to operate from the Pollution Control Board is not necessary.

5. The learned counsel for the Pollution Control Board submits that the coir industry does not require consent to operate from the



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Pollution Control Board. It is only under the supervision of the Pollution Control Board and the Pollution Control Board would supervise and perform its functions.

6. The learned Special Government Pleader for respondent No.6 submits that the concurrence has been given for conversion of the land from agricultural to industrial use. The on-line application was submitted on 17.05.2023 to the 6th respondent by the 9th respondent for approval of proposed G.I. Sheet roof in Ground Floor, Block-1, Block-2 and R.C.C. roof in Ground Floor Block-3, Block-4, manufacturing of coir products industrial building with FSI area of 4786.98 sq.m. The proposal was forwarded to the 3rd respondent by the 6th respondent on 07.06.2023 along with site inspection report and recommendation. The 3rd respondent granted technical concurrence on 10.07.2023. The respondent No.9 has paid scrutiny fee, centage charges, infrastructure and amenities charges on 17.07.2023. The technical concurrence is issued by the 6th respondent. It is for the 9th respondent to approach the concerned local body for building plan approval.



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7. The building plan approval has to be granted by the local authority. It is submitted that the application is pending with the local planning authority. The local planning authority, that, is 8th respondent, has to take decision upon the building permission and the conversion of land and the said decision shall be taken within one month. The Pollution Control Board has stated that the consent to operate is not necessary. Naturally, the Pollution Control Board will perform its function of supervision so that the nearby agricultural lands are not affected. It is further made clear that the industrial activity shall not commence unless and until the proper planning permission and the order for conversion of the land from agriculture to non-agriculture is passed.

With the aforesaid observations, the writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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To

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THE HON'BLE CHIEF JUSTICE
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