



W.P.No.3115 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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W.M.P.No.3536 of 2021

1. Sri Bannari Amman Blue Metals,
Rep. by its Proprietrix K.Rathinam,
Marapparai Village,
Thiruchengode Taluk,
Namakkal District.
2. M/s.G.S.Enterprises – Crusher Division,
(Formerly Sri Lakshmi Metals)
Rep. by its Managing Partner,
M.Muthukrishnan,
Marapparai Village,
Thiruchengode Taluk,
Namakkal District.

...Petitioners

-Vs-

1. The President,
Marapparai Panchayat,
Marapparai,
Thiruchengode Taluk,
Namakkal District.
2. The Commissioner,
Mallasamudhiram Panchayat Union,
Mallasamudhiram,
Thiruchengode Taluk,
Namakkal District.



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3. The Deputy Director of
Town and Country Planning,
Salem Region,
No.5. Sannathi Street,
Subramani Nagar,
Sooramangalam,
Salem – 636 005.

4. The Sub Registrar,
Office of the Sub-Registrar,
Tiruchengode.

5. R.Muthusamy

6. Sasikala Rajendiran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 not to accord any approval of lay-out for residential purposes in favour of the respondents 5 and 6 in respect of their land situated in Marapparai Village, Tiruchengode Taluk, Namakkal District, comprised in Survey No.227/1B1A which comes within a radial distance of 500 meters from the petitioners' stone crushers located in their respective patta lands in the said village comprised in survey Nos.203/2A3 & 203/3A2 and in survey No.203/1A2, by considering the petitioners' representation dated 02.11.2020.

For Petitioners : Mr.S.Senthil
For Respondents
For R1 to R4 : Mr.S.Arumugam
Government Advocate



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ORDER

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The writ petition has been filed for direction, directing the respondents 1 to 3 not to accord any approval of lay-out for residential purposes in favour of the respondents 5 and 6 in respect of their land comprised in Survey No.227/1B1A situated in Marapparai Village, Tiruchengode Taluk, Namakkal District, which comes within a radial distance of 500 meters from the petitioners' stone crushers unit.

2. The petitioners owned stone crushing units in the land comprised in survey Nos.203/2A3 & 203/3A2 and in survey No.203/1A2, situated at Marapparai Village, Tiruchengode Taluk, Namakkal District. The respondents 5 & 6 owned property comprised in survey No.227/1B1A adjacent to the petitioners' land. The apprehension of the petitioners is that the respondents 5 & 6 are intended to develop the said property and applied for lay out and transfer the same into house sites. Therefore, the petitioners filed the present writ petition with the above prayer.

3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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4. On perusal of the counter filed by the third respondent and on the submission made by the learned Government Advocate revealed that no lay out approval has been filed in respect of the land comprised in survey No.227/1B1A situated at Marapparai Village, Tiruchengode Taluk, Namakkal District, so far. Further if any application received for lay out approval, it will be considered only in accordance with law. Insofar as the lay out for residential house site, as per Section 3(b) Annexure – XVII of the Combined Building Development Rules, 2019, within 500 meters radius from the existing crusher, the respondent ought not to have issued lay out approval for the residential house.

5. Recording the said facts, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

14.10.2024
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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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To
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1. The President,
Marapparai Panchayat,
Marapparai,
Tiruchengode Taluk,
Namakkal District.
2. The Commissioner,
Mallasamudhiram Panchayat Union,
Mallasamudhiram,
Tiruchengode Taluk,
Namakkal District.
3. The Deputy Director of
Town and Country Planning,
Salem Region,
No.5. Sannathi Street,
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Tiruchengode.



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G.K.ILANTHIRAIYAN. J,

rts

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