



W.P. No. 3543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

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

W.P. No. 3543 of 2024

M/s. Karsen Bio Natural
Represented by its Proprietrix
S. Buvaneswari
104/1, Pilankulam Road,
Modakupatti
Sendarapatti Post
Gangavalli Taluk,
Salem - 636 110.

... Petitioner

-VS-

1. The District Collector,
Room No. 101, First Floor,
Collectorate,
Salem - 636 001.
2. The Assistant Director,
Town Panchayats, Salem Region,
Collectorate 2nd Floor,
Salem - 636 001.
3. The Block Development Officer,
Gangavalli Taluk,
Salem - 636 105.
4. The Panchayat President,
Manmalai Panchayat,
Manmalai, Gangavalli Taluk,
Salem - 636 110.



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5. The Panchayat Secretary,
Manmalai Panchayat,
Manmalai, Gangavalli Taluk,
Salem - 636 110.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Fourth Respondent herein to accord approval for the Blueprint map of the Petitioner's factory situated at Mudakkupatti, Sendarapatti Post, Gangavalli Taluk, Salem - 636 110 in view of the direction issued by the Second Respondent Memo in Na. Ka. No. 1242/1011/A2, dated 11.08.2023 by considering the Petitioner representation dated 02.08.2023 and send the report to the Third Respondent within the time frame as fixed by this Court.

For Petitioner : Mr. D.Vairamoorthy

For Respondents : Mr. V.Ravi,
Special Government Pleader
(for R1 & R2)

Mrs. Mythreye Chandru
(for R3 to R5)

ORDER

Heard Mr. D.Vairamoorthy, Learned Counsel for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader appearing for the First and Second Respondents and Mrs. Mythreye Chandru, Learned Counsel for the Third to Fifth Respondents and perused the materials placed on record, apart



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from the pleadings of the parties.

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2. The Writ Petition has been filed for directing the Fourth Respondent to accord approval for the blueprint map of the factory of the Petitioner in Mudakkupatti, Sendarapatti Post, Gangavalli Taluk, Salem in view of the direction issued by the Second Respondent in Memo in Na. Ka. No. 1242/1011/A2 dated 11.08.2023, by considering the representation dated 02.08.2023 made by the Petitioner in that regard and send report to the Third Respondent within the time frame that may be fixed by the Court.

3. Learned Advocate General, who was requested by order dated 19.02.2024 in W.P. Nos. 30463 of 2023 and 318 of 2024 to address the same legal issue raised, submitted that for conversion of land from 'non-agricultural' to 'agricultural' purpose, an application under the Tamil Nadu Change of Land Use (From Agriculture to Non-agriculture Purposes in Non-planning Areas) Rules, 2017 (hereinafter referred to as 'the Rules' for short), would have to be made and in the absence thereof, the permission granted by the Second Respondent would not be valid in the eye of law. In view of the same, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition with liberty to make necessary application under the Rules.



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4. Since Learned Counsel for the Petitioner undertakes to make such application in terms of the Rules by 30.04.2024, it shall be incumbent upon the Petitioner to await its ultimate outcome for carrying on any form of industrial activity in that premises. It is needless add here that if no such application is made by the Petitioner within that specified date, it shall not preclude the concerned authority to take appropriate action for removal of unauthorized construction following the prescribed procedures in accordance with law.

In the result, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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To

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P.D. AUDIKESAVALU, J.

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