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W.P.No.18445 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM:

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

W.P.No.18445 of 2024

Kandasami

... Petitioner

-Vs-

1. The Commissioner,
Cuddalore City Municipal Corporation,
Cuddalore – 607 001.

2. The Health Inspector,
Cuddalore City Municipal Corporation,
Cuddalore – 607 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to grant necessary licence for running welding works in the name Sri Periandavar Welding Works on the ground floor in the building located in plot Nos.35-A and 35-B in Palanisami Nagar, in New Vandipalayam, Cuddalore, Cuddalore Taluk, Cuddalore District by considering the petitioner's explanation / representation dated 06.05.2024.

For Petitioner	: M/s D.Jayasree
For Respondents	: Dr.T.Seenivasan Special Government Pleader



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ORDER

This writ petition has been filed for direction directing respondents to grant necessary license for running welding works in the name Sri Periandavar Welding Works on the ground floor in the building located in plot Nos.35-A and 35-B in Palanisami Nagar, in New Vandipalayam, Cuddalore, Cuddalore Taluk, Cuddalore District by considering the petitioner's explanation / representation dated 06.05.2024.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had purchased a plot under two registered sale deeds dated 26.02.2016 and 11.05.2016 in respect of Plot Nos.35-A and 35-B situated at Palanisami Nagar, in New Vandipalayam, Cuddalore, Cuddalore Taluk, Cuddalore. The petitioner obtained an approval on 30.06.2021 from the first respondent to use the ground floor for commercial purpose and first floor for residential purpose. The petitioner started welding works, on the ground floor in the name and style of Sri Periandavar Welding Works. While being so, the neighbour of the petitioner lodged a complaint to the respondents alleging that there is air and noise pollution. Therefore, the second respondent made an



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inspection and stated that the welding shop which is running by the petitioner causes hazardous pollution such as air and noise pollution. Therefore, directed the petitioner to stop the hazardous pollution by altering the building structure by the notice dated 02.05.2024. That apart, the petitioner is running the welding shop without any license. Thereafter, the petitioner had applied for license to run the welding shop in the name and style of Sri Periandavar Welding Works on the ground floor in Plot Nos.35-A and 35-B situated at Palanisami Nagar, in New Vandipalayam, Cuddalore, Cuddalore Taluk, Cuddalore.

4. On written instructions, the learned Special Government Pleader appearing for the respondents submitted that on receipt of the application, the first respondent call for report from the second respondent. On inspection, the second respondent submitted a report stating that the petitioner was granted planning and building permission in Approval No.168/2021 to construct ground floor and first floor from 30.06.2021 to 29.06.2026. Accordingly, the petitioner had constructed the ground and first floors. It is a residential zone. As per the Tamil Nadu Combined Development and Building Rules 2019, in the residential use zone, usage of buildings is defined.

5. A perusal of Rule 33 in respect of Zoning Regulations of the Tamil Nadu Combined Development and Building Rules 2019, it reveals that the



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cottage industries listed in G.O.Ps.Nos.565 and 566 dated 12.03.1962 as amended and indicated in Annexure – V, with number of workers not exceeding 8 and electric machineries not exceeding 5 H.P. As per Annexure-V under Rule 36 states the list of cottage industries to be permitted in the residential area. Item 45 says engraving on metals. Except engraving on metals, the buildings are permitted to run in the residential area. That apart, the petitioner is using the motor more than 5 H.P. It is not permitted and as such, the application submitted by the petitioner for granting license to run the welding works cannot be considered and the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition stands dismissed. No costs.

09.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
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To

1. The Commissioner,
Cuddalore City Municipal Corporation,
Cuddalore – 607 001.
2. The Health Inspector,
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G.K.ILANTHIRAIYAN. J.

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