



W.P.No.19678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM:

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

W.P.No.19678 of 2024
and W.M.P.No.27518 of 2024

R.Venugopal Reddy

... Petitioner

-Vs-

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Deputy Director,
District Town And Country Planning Authority,
25/2 Nethaji Road, Hosur 635109.
3. The Sub Collector,
Hosur Taluk, Hosur.
4. The Deputy Director,
Department Of Geology And Mining,
Krishnagiri.
5. The Deputy Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.140A,
SIPCOT Industrial Complex, Hosur 635126.
6. The Block Development Officer,
Thali Panchayat Union, Denkanikottai Taluk,
Krishnagiri District.



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7. The Assistant Engineer,
TANGEDCO, Denkanikottai, Krishnagiri District.

8. The President,
Kalukondapalli Panchayat,
Denkanikottai Taluk, Krishnagiri District.

9. Samyak Meta - Tech Pvt Ltd.,
Represented By Its Director,
S.Nos.238/8b, 9b, 10b, 245/1,
Thally Road, Hosur,
Periamadakondapalli,
Krishnagiri 635114.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st to 3rd, 6th and 8th respondents to demolish the unauthorised building and developments made by the 9th respondent in the lands comprised in S.Nos.238/8B, 238/9B, 238/10B, and 245/1 which is falling within the prohibited distance both under Tamil Nadu Minor Mineral Concession Rules, 1959 and Tamil Nadu Combined Building and Development Rules, 2019 and further take necessary actions against the 9th respondent within a time frame fixed by this Hon'ble Court.

(Prayer amended as per order dated 04.09.2024 in W.M.P.No.27514 of 2024 in W.P.No.19678 of 2024)

For Petitioner	: Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.S.Prabu
For R1 to R4	: Mr.V.Manoharan Additional Government Pleader
For R6 and R8	: Mrs.V.Yamuna Devi Special Government Pleader
For R7	: No appearance
For R9	: Mr.G.R.Anantha Kumar



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ORDER

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This writ petition has been filed for direction directing the 1st to 3rd, 6th and 8th respondents to demolish the unauthorised building and developments made by the 9th respondent in the lands comprised in S.Nos.238/8B, 238/9B, 238/10B, and 245/1 which is falling within the prohibited distance both under Tamil Nadu Minor Mineral Concession Rules, 1959 and Tamil Nadu Combined Building and Development Rules, 2019 and further take necessary actions against the 9th respondent.

2. Heard both sides and perused the materials available on record.

3. The petitioner is carrying on quarrying activities in the land comprised in S.F.No.360 (part) ad-measuring 0.62.5 hectares situated at Kalukondapalli Village, Denkanikottai Taluk, Krishnagiri District. The petitioner was granted quarry lease and he is being declared as highest bidder in the tender called for by the first respondent on 07.06.2018. Accordingly, the petitioner was directed to submit an approved mining plan and environmental clearance and the mining plan was approved by the Deputy Director, Geology and Mining, Krishnagiri on 28.02.2019. The petitioner had obtained environmental clearance by the



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communication dated 18.05.2023. The petitioner also obtained necessary sanctions and approval, the Mining Lease Deed was also executed in favour of the petitioner by the fourth respondent on 04.08.2023 registered vide Document No.7931 of 2023. The mining lease deed was granted for a period of ten years commencing from 04.08.2023.

4. While being so, the 9th respondent commenced construction activities in the lands situated at S.Nos.238/8B, 238/9B, 238/10B and 245/1 of Kalukondapalli Village, Denkanikottai Taluk, Krishnagiri District. It is situated within 300 meters distance from the live and existing quarry of the petitioner.

5. The learned Senior Counsel appearing for the petitioner submitted that under Rule 36 (1-A) (c) of the Tamil Nadu Minor Minerals Concession Rules prohibits issuance of grant of layout approval or building plan within 300 meters from any quarry. Further, as per Rule 19 read with Annexure-XVII of the Tamil Nadu Combined Development and Building Rules, 2019, no subdivision or layout for building purpose shall be made and no building for residential, commercial, industrial or institutional or any structure for occupation shall be constructed within 500 meters from an existing quarry. In



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fact, the petitioner also submitted an application under the Right to Information Act before the local body and the petitioner was furnished with the information showing that the 9th respondent did not make any application for planning permission to construct any building so far.

6. The learned counsel for the 9th respondent submitted that the 9th respondent obtained a consent order from the Tamil Nadu Pollution Control Board on 26.05.2023 and No Objection Certificate from the Fire and Rescue Department on 08.08.2023. Therefore, even before the consent order obtained by the petitioner, the 9th respondent had obtained the consent order. Insofar as the construction is concerned, now they had started construction and also applied for planning permission before the second respondent herein. Therefore, admittedly no planning permission is granted to the 9th respondent so far to put up any construction.

7. Though the 9th respondent was given consent order by the Tamil Nadu Pollution Control Board for establishment of M/s Samyak Meta - Tech Pvt Ltd., comprised in S.Nos.238/8B, 238/9B, 238/10B and 245/1 of Kalukondapalli Village, Denkanikottai Taluk, Krishnagiri District, the 9th respondent did not



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apply for planning permission so far. Without planning permission, the 9th respondent now started to put up construction for its establishment.

8. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the 9th respondent should not put up any construction without any planning permission. He further submitted that if the planning permission is applied for more than 2000 sq.ft, the second respondent is the authority concerned to consider the same.

9. In view of the above, the 9th respondent is restrained from putting any construction in the land comprised in S.Nos.238/8B, 238/9B, 238/10B and 245/1 of Kalukondapalli Village, Denkanikottai Taluk, Krishnagiri District for establishment of M/s Samyak Meta - Tech Pvt Ltd., without proper planning permission from the second respondent. If any application is made before the second respondent by the 9th respondent for planning permission for its establishment, the second respondent, on receipt of the said application is directed to issue notice to the petitioner and the counter parties if any and after giving an opportunity of hearing to them, pass orders on merits and in accordance with law, as per the provisions of Tamil Nadu Minor Mineral



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Concession Rules, 1959 and Tamil Nadu Combined Building and Development
Rules, 2019.

10. With the above directions, this writ petition is disposed of.
Consequently, connected Miscellaneous petition is closed. There shall be no
order as to costs.

04.09.2024
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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN. J.

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