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W.P.No.27576 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.27576 of 2023

and

W.M.P.No.27029 of 2023

1.P.Thangamuthusamy
2.S.Muthusamy
3.P.Arun Raja
4.N.Loganathan
5.N.Varadaarajan
6.N.Sundaramurthy
7.S.Meenakshi Sundar
8.N.Neethirajan
9.N.Jothimanian

... Petitioners

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Member Secretary,
Tiruppur Local Planning Authority,
Tiruppur.



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3.The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.

4.The Assistant Commissioner,
Zone-2, Tiruppur City Municipal Corporation,
Tiruppur.

5.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur (North),
Kumaran Complex,
Kumaran Road,
Tiruppur – 641 601.

6.V.Selvam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to consider the representation dated 29.07.2023 and further direct respondents 1 to 5 herein not to permit the 6th respondent to put up construction of any industrial/commercial building in Plot No.F, comprised in S.No.304/2A of Thottipalayam Village, Tiruppur North Taluk, Tiruppur District for his commercial use or for any other commercial activity.

For Petitioner : Mr.M.Lenin

For R1 : Mr.M.Bindran
Additional Government Pleader



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For R2 to R4 : Mr.Abishek Murthy
Standing Counsel

For R5 : Mrs.Shanmugavalli Sekar
Standing Counsel

For R6 : Mr.P.Tamilvel

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondents 1 to 5 to consider the representation, dated 29.07.2023, and further to direct respondents 1 to 5 herein not to permit the 6th respondent to put up construction of any industrial/commercial building in Plot No.F, comprised in S.No.304/2A of Thottipalayam Village, Tiruppur North Taluk, Tiruppur District for his commercial use or for any other commercial activity.

2.The case of the petitioners is that a few parcels of lands comprised in S.Nos.304 Part and 305 Part of Thottipalayam Vilalge, Tiruppur Taluk



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and District, were purchased by the petitioners for the purpose of cultivating vegetation. It is their further case that the entire lands fall within the limits of Thottipalayam Panchayat and it was later merged with Tiruppur Municipal Corporation. It is stated that, as the lands had been divided as plots, the entire 20 plots were allotted to petitioners and others to be enjoyed as farm lands with a common entrance and common security gate. It is stated that the gated community as a whole is named after “Kandhan Garden”. It is their grievance that the 6th respondent, who has also purchased a plot measuring about 20 ¼ cents, has proposed to use his plot for industrial purposes without any planning permission and without any consent to establish the industry from the competent authority.

3.Learned counsel appearing for the respondents 2 to 4 has now produced before this Court the photographs of the entire plot which appears to be vacant without any development indicating any agricultural or farming activities. That apart, it is the specific stand of the learned counsel appearing for the respondents 2 to 4 that no construction activity is commenced. The 6th respondent, against whom allegation has been made, is



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represented by a counsel who reported that the 6th respondent has no proposal to put up any industrial construction unless planning permission is obtained.

4.It is in the said circumstances, this Court finds no cause for entertaining the present writ petition. With the liberty preserved to the petitioners to make representation or file a writ petition if any unauthorised construction is made at a later point of time, this writ petition is closed. Disposal of this writ petition will not be construed as an order of Court rejecting the case of the petitioners on merits. Whenever a representation or objection is raised by the petitioners regarding any unauthorised construction either by 6th respondent or anyone, it is open to the respondents to consider the same on merits, after hearing the petitioners and other interested persons in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
09.01.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

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and
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