



W.P.No.29772 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

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

W.P.No.29772 of 2024 and
WMP.No.32455 of 2024

R.Shanmugasundaram

... Petitioner

Vs.

- 1.The Joint Director,
The District Planning and Approval Authority Office,
D.No.50, Ground Floor and 1st Floor,
Petrol Bunk Road,
Gandhimanagar,
Ganapathi,
Coimbatore
- 2.The Revenue Divisional Officer,
RDO Office, Coimbatore North,
Kavundampalayam,
Coimbatore District
- 3.The Tahsildar,
Taluk Office,
Mettupalayam,
Coimbatore District
- 4.The Commissioner,
Municipal Office,
Karamadai Municipality,
Karamadai,
Coimbatore
- 5.S.Muthuramalingam

... Respondents



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PRAYER:

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Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing respondents 1 to 4 to consider the petitioner's representations dated 17.06.2024 and thereby direct the respondents 1 to 4 not to issue the house site approval to the fifth respondent or any other person in and around the petitioner's quarry and crushing machineries in the name of Sri Balaji Blue Metals situated in Survey No.456/3C1, to an extent of 1.17.0 hectares at Karamadai Village, Mettupalayam Taluk, Coimbatore District within the prohibited distance from the quarry.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents

For R1 to 3 : Mr.C.Kathiravanan,
Special Government Pleader

ORDER

This writ petition has been filed for direction to respondents 1 to 4 to consider the representation submitted by the petitioner dated 17.06.2024 seeking not to give any approval for the fifth respondent's application for layout approval.



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2. The petitioner owns property comprised in survey no.456/3C1 to an extent of 1.17.0 hectares situated at Karamadai Village, Mettupalayam Taluk, Coimbatore. The petitioner's father obtained due licence for stones and gravel quarry lease to the District Mines and Mineral Department and run the quarry in the name of 'Sri Balaji Blue Metals'. While obtaining licence, there is no approved house layout in and around 300 meter, in and around National Highway in 100 meter, temple, church, mosque, monuments from the quarry. While being so, the fifth respondent, who owns properties comprised in SF.Nos.454/3A, 455/1A, 458/2A1 and 458/2B situated at Karamadai Village, Mettupalayam Taluk, Coimbatore, proposed to develop a property. He applied for layout approval for the said land before respondents 1 to 4. Therefore, the petitioner raised objection by way of representation thereby objected grant of layout approval on the ground that the subject land for which the layout approval sought for by the fifth respondent is situated around the petitioner's property's prohibited distance.



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3. In view of the above, if any application is received from the fifth respondent for layout approval in respect of the properties comprised in SF.Nos.454/3A, 455/1A, 458/2A1 and 458/2B situated at Karamadai Village, Mettupalayam Taluk, Coimbatore, the first respondent is directed to issue notice to the petitioner as well as the fifth respondent on the objections raised by the petitioner and, after giving opportunity of hearing to both, to decide the application for layout approval on merits and in accordance with law.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

15.10.2024

Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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To

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