



W.P.No.29431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2024

CORAM:

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

W.P.No.29431 of 2024

M/s.Amaravathy Coir Producer Company Ltd.,
Rep. By its Director S.Chandrasekaran,
Puliyampatti Road,
Mudalipalayam Post,
Kangayem Taluk,
Tiruppur 638 703

... Petitioner

Vs.

- 1.The District Collector,
Office of the Collectorate,
Tiruppur District 641 604
- 2.The Joint Director of Agriculture,
District Collectorate Perumthitta Campus,
Tiruppur
- 3.The Assistant Director,
District Town and Country Planning Office,
Tiruppur District
- 4.The Block Development Officer,
Kundadam Panchayat Block,
Kundadam,
Tiruppur District
- 5.The President,
Perumalpalayam Village Panchayat,
Kundadam Union, Muthalipalayam,
Muthalipalayam (Post), Uthiyur (via),
Kangeyam 638 701,
Tiruppur District

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fifth respondent's proceedings dated 13.03.2024 to quash the same and consequently direct the first respondent to invoke the power conferred under section 204(1) and (2) of Tamilnadu Panchayats Act, 1994 to grant Building Plan Permission and Reclassification of Land in the petitioner's online single window application bearing number SWP/BPA/009913/2023 dated 17.05.2023 within a stipulated time.

For Petitioner : Mr.M.Mohammed Riyaz

For Respondents

For R1 to 3 : Mr.V.Manoharan,
Additional Government Pleader

For R4 : Mr.C.Selvaraj,
Additional Government Pleader

For R5 : Mr.P.Nethaji

ORDER

This writ petition has been filed challenging the order passed by the fifth respondent dated 13.03.2024 thereby rejected the application submitted for building plan permission and also reclassification of land.



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2. The petitioner owns agricultural land at Puliampatti Road, Mudalipalayam Post, Kangeyam Taluk, Tiruppur District. While being so, in the assembly floor, it was announced that a coir cluster would be established at Kundadam, Tiruppur District to promote production of coir products at the cost of Rs.16 crores. Subsequent to the said announcement, Industries Commissioner and Director of Industries and Commerce has submitted a proposal to the Government for formation of coir cluster common facility centre in the name of the petitioner at an estimated cost of Rs.13.95 crores with grant of Rs.8.75 crores from the Government of Tamilnadu and the remaining amount to be contributed by the petitioner. The Tamilnadu Coir Business Development Corporation approved the detailed project report subject to the conditions stipulated therein. The petitioner applied for no objection certificate from the Agriculture Department before the third respondent. It had forwarded the same to the second respondent. On receipt of the same, inspection was conducted and report was forwarded to the third respondent and found that no agricultural activities took place on the petitioner's land for



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the past three years and recommended for usage for other purpose.

Subsequently, the petitioner had applied through single window portal system on 17.05.2023 with all essential and mandatory documents for building plan permission and reclassification of land. On 10.07.2023, the Directorate of Town and Country Planning had issued a technical concurrence under Section 47(A) of Town and Country Planning Act, 1971. Thereafter, the third respondent had issued technical clearance on 06.08.2023 and the same was forwarded to the fifth respondent for issuance of building plan permission and reclassification of land.

3. Further, the petitioner approached the Pollution Control Board and the authority concerned replied that the operation or coir cluster as the processing unit comes under the 'white category' and it may not require consent and the only intimation to the State Pollution Control Board shall suffice. Further, the first respondent by its letter dated 11.01.2024 stated that the coir cluster i.e. the petitioner falls under 'white category' and approval from DTCP was also secured but no permission was granted even after three months from passing resolution dated



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02.10.2023 to grant permission. Therefore, the first respondent directed the fifth respondent to take appropriate action in accordance with law within fifteen days from the date of receipt of the communication. In the meanwhile, one, Nandhakumar approached this Court in WP.No.814 of 2024 for direction to the respondents to consider his representation and this Court by an order dated 15.02.2024 directed the fifth respondent to dispose of the application of the petitioner seeking building plan permission and reclassification of the land within a period of one month. It was further observed that no industrial activity to be commenced before securing orders in planning permission and land conversion.

4. As directed by the Hon'ble Division Bench of this Court, the fifth respondent considered the application, however by an order dated 13.03.2024 rejected the application submitted by the petitioner seeking building plan permission and also reclassification of the land from agricultural land to other purpose on the main grounds that so far the petitioner did not file any application for conversion of land from agriculture to other purpose under Tamilnadu Change of Land Use (From



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Agriculture To Non Agriculture Purposes in Non-Planning Areas) Rules, 2017 and also in order to protect the agriculture activities of neighbouring lands.

5. Further on perusal of the technical clearance issued by the third respondent revealed that manufacturing of coir products industrial building (Orange Category) with 200.50 HP power with FSI area of 4786.98 sq.meters, however the Pollution Control Board categorised the coir products industry under the White category. The Tamilnadu Combined Development and Building Rules, 2019 - Annexure 18 says about zone including residential, commercial and Industrial use zones, in which in the commercial use zone, premises shall be permitted only for fuel filling stations, automobile service stations and workshops with installation not exceeding 50 HP. It comes under orange industries listed in Annexure 7 subject to maximum installation of 50 HP. The industrial use zone says about using electrical HP or with employees not exceeding 100 in number but excluding industries of abnoxious and hazardous nature by reasons of adour, effluent, dust, smoke, gas, vibration or



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otherwise likely to cause danger or nuisance to public health or amenity.

Therefore, all industries (without restrictions of HP or floor area or no. of workers) except those industries listed under as red category in annexure of these regulations. Therefore, the petitioner's industry is coming under red category and it requires clearance from Pollution Control Board. On these grounds, the fifth respondent rejected the application submitted for seeking building plan permission as well as reclassification of land.

6. On perusal of the counter filed by the first respondent revealed that after obtaining all clearance from all departments, the fifth respondent cannot reject the application seeking building plan permission. However, the first respondent failed to note the answer for the above grounds on which the fifth respondent rejected the application submitted by the petitioner seeking building plan permission.

7. However, the learned counsel appearing for the petitioner would submit that after rectifying the defects stated while rejecting the petitioner's application, the petitioner will file new application seeking



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building plan permission before the fifth respondent.

8. In view of the above, the petitioner is at liberty to file a fresh application complying all the required conditions before the fifth respondent. On receipt of the same, the fifth respondent is directed to consider the application and dispose of the same within a period of four weeks from the date of receipt of the application on merits and in accordance with law.

9. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

24.10.2024

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