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W.P.No.29630 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**W.P.No.29630 of 2024
and
W.M.P.Nos.32281 and 32282 of 2024**

S.Vinoth Ragavendran

... Petitioner

-Vs-

1. The Principal Secretary,
Tourism, Culture and Hindu Religious Endowment
Department,
Fort St.George,
Chennai - 9.
2. The Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
Utamar Gandhi Salai,
Nungambakkam,
Chennai.
3. The Director of Town and Country Planning,
Chennai.
4. The Assistant Director,
Cuddalore District Town and Country
Planning Officer,
Cuddalore.



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5. The Joint Director of Agriculture,
Semmandalam,
Cuddalore - 607 001.

6. The District Collector,
Cuddalore District,
Cuddalore.

7. The Commissioner,
Vadalur Municipality,
Vadalur.

8. The Joint Commissioner,
Hindu Religious and Charitable Endowment
Administration Department,
No.198A, Appavu Street,
Manjakuppam,
Cuddalore - 607 001.

9. The Tahsildar,
Kurinjpadi Taluk,
Cuddalore District.

10. The Executive Officer,
Grade - I,
Thiruarutprakasa Vallalar Theiva Nilayam,
Dharma Salai Road,
Parvathipuram, Vadalur,
Cuddalore District.

11. The Board of Trustees,
Thiruarutprakasa Vallalar Theiva Nilayam,
Dharma Salai Road,
Parvathipuram, Vadalur,
Cuddalore District.

... Respondents



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PRAYER : Petition under Article 226 of Constitution of India, praying for issuance of writ of certiorarified Mandamus, to call for the records of the proceedings of the (i) third respondent in respect of the technical concurrence granted in Application No.SWP/BPA/241712/2024 dated 06.06.2024 and in Application No.SWP/BPA/256092/2024 dated 20.06.2024, (ii) fourth respondent in respect of his proceedings in Application No.SWP/BPA/241712/2024 dated 18.06.2024 and in Application No.SWP/BPA/256092/2024 dated 20.06.2024, (iii) in respect of the communications of the fifth respondent in his Letter No.E2/8109/2024 dated 10.06.2024 annexing the conversion report to non-agricultural purposes and E2/28110/2024 dated 10.06.2024 annexing the conversion report to non-agricultural purposes, (iv) in respect of two proceedings of the sixth respondent in Na.Ka.C3/100/2024 dated 12.06.2024, (v) in respect of the proceedings of the seventh respondent in உ.ஆணை 182/பி எல்/2024/000555 and உ.ஆணை 182/பி எல்/2024/00056 dated 24.06.2024 and (vi) the resolution of the Board of Trustees dated 19.06.2024 giving consent for the construction of Vallalar International Centre, all the above said proceedings relating to the proposed constructions in Site 'A' Ryotwari Dry S.Nos.257/1A, 257/1B, 257/1C, 257/1E, 257/2, 257/3, 257/4, totalling 28.82.50 hectares and in Site 'B' Ryotwari Dry S.Nos.78/4, 79/2 and 82/2B2 totalling 12.74 acres all situated at Vadalur, Parvathipuram Village, Kurunjipadi Taluk, Cuddalore District and quash all the above said proceedings and consequently, direct the respondents to forthwith close all the huge pits dug up illegally without any permission from appropriate authorities in the above said properties.



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For Petitioner : Mr.N.Suresh
For Respondents : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR&CE)
for R1, R2 and R8
Mr.A.Selvendran
Special Govt. Pleader for R3 to R7 & R9
Mr.R.Bharanidharan for R10

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

The prayer sought for in this writ petition is to call for the records of the proceedings of the (i) third respondent in respect of the technical concurrence granted in Application No.SWP/BPA/241712/2024 dated 06.06.2024 and in Application No.SWP/BPA/256092/2024 dated 20.06.2024, (ii) fourth respondent in respect of his proceedings in Application No.SWP/BPA/241712/2024 dated 18.06.2024 and in Application No.SWP/BPA/256092/2024 dated 20.06.2024, (iii) in respect of the communications of the fifth respondent in his Letter No.E2/8109/2024 dated 10.06.2024 annexing the conversion report to non-agricultural purposes and E2/28110/2024 dated 10.06.2024 annexing the conversion report to non-agricultural purposes, (iv) in respect of two proceedings of the sixth respondent in Na.Ka.C3/100/2024 dated 12.06.2024, (v) in respect of the proceedings of the seventh respondent in உ.ஆணை 182/பி எல்/2024/000555 and



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2. ஆணை 182/பி எஸ்/2024/00056 dated 24.06.2024 and (vi) the resolution of the Board of Trustees dated 19.06.2024 giving consent for the construction of Vallalar International Centre, all the above said proceedings relating to the proposed constructions in Site 'A' Ryotwari Dry S.Nos.257/1A, 257/1B, 257/1C, 257/1E, 257/2, 257/3, 257/4, totalling 28.82.50 hectares and in Site 'B' Ryotwari Dry S.Nos.78/4, 79/2 and 82/2B2 totalling 12.74 acres all situated at Vadalur, Parvathipuram Village, Kurunjipadi Taluk, Cuddalore District and quash all the above said proceedings and consequently, direct the respondents to forthwith close all the huge pits dug up illegally without any permission from appropriate authorities in the above said properties.

2. In this writ petition, proceedings issued by the various authorities like the Director of Town and Country Planning, the Assistant Director of District Town and Country Planning, Cuddalore, the Joint Director of Agriculture, Cuddalore, the District Collector of Cuddalore, the Commissioner of Vadalur Municipality and others were under challenge. After hearing the learned counsel appearing for the parties, this Court passed a detailed interim order on 10.10.2024, where we found that, the orders or proceedings issued by the aforesaid authorities insofar as Site-B is concerned, there could be no infirmity, whereas in respect of Site-A is concerned, there are infirmities in



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those orders as how it violates the procedural law made in this regard had been stated. Therefore, in fact by our interim order dated 10.10.2024, though we have permitted the HR&CE Department and Temple Authorities to go ahead with the construction with Site-B, we have restrained the said authorities from going for any construction at Site-A.

3. This of our order dated 10.10.2024 has been appealed to the Hon'ble Supreme Court in a petition for special leave in Special Leave Petition (C) No.27688 of 2024. The said Special Leave Petition before the Hon'ble Supreme Court having been heard was dismissed by the order of the Hon'ble Supreme Court dated 02.12.2024 which reads thus:

- "1. Heard the learned Senior counsel appearing for the petitioner and perused the materials available on record.*
- 2. The subject matter of challenge being an interlocutory order passed by the High Court, we see no reason to interfere with the impugned order passed by the High Court.*
- 3. The Special Leave Petition is, accordingly, dismissed.*
- 4. Pending applications, if any, also stand disposed of."*

4. Today, the matter is taken up for hearing, Mr.N.R.R.Arun Natarajan, learned Special Government Pleader appearing for HR&CE has filed typed set



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of documents, where a set of proceedings issued by the various authorities as mentioned herein above have been produced. Among the documents, the proceedings dated 29.11.2024 issued by the Directorate of Town and Country Planning also was filed, who by the said proceedings has cancelled the earlier approval order given in this regard with regard to Site-A.

5. Also the other authorities, namely, the Joint Director of Agriculture, Cuddalore, the District Officer of Fire and Rescue Services, Cuddalore District, the District Collector of Cuddalore, the Directorate of Town and Country Planning and the Assistant Directorate of Town and Country Planning, Cuddalore District as well as the Commissioner of Vadalur Municipality have issued separate proceedings of either NOC or permission or approval as the case may be which are required under the provisions of the Tamil Nadu Town and Country Planning Act under the relevant Rules made thereunder.

6. Since by proceedings dated 29.11.2024, the earlier order issued by the Directorate of Town and Country Planning has been cancelled and after having rectified the infirmities which has been pointed out by our order dated 10.10.2024, since fresh proceedings had been issued by all the authorities as stated *supra*, the orders impugned in this writ petition are no more available in the eye of law, hence the prayer sought for in this writ petition therefore has



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become infructuous.

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7. In view of the same, this Writ Petition is liable to be dismissed by recording the aforestated developments, accordingly, it is dismissed. However, it is made clear that, the interim order dated 10.10.2024 since has been passed commonly in all the writ petitions, by virtue of the dismissal of the present writ petition, the interim order dated 10.10.2024 as confirmed by the Hon'ble Supreme Court would no way get altered. However, there shall be no order as to costs. Consequently, connected, miscellaneous petitions are closed.

(R.S.K., J.)

(S.S., J.)

05.12.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

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