



W.P.No.32319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.32319 of 2022
and W.M.P.No.31715 of 2022

K.S.Srinivasan

.. Petitioner

VS

- 1.The Commissioner,
Town and Country Planning Department,
No.807, Anna Salai, Chennai – 600 002.
- 2.The Assistant Director,
Town and Country Planning Department,
Salem Division, No.6, Sannathi Street,
Subramani Nagar, Salem – 636 005.
- 3.The District Collector,
Erode District, Erode.
- 4.The Block Development Officer,
Block Development Office,
Bhavani, Erode District.
- 5.The Superintendent Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Gobichettipalayam, Erode District.
- 6.Panchayath President
Kuruppanayakanpalayam Village and Post,
Bavani Village Union,
Erode District.

7.V.Balachandran

.. Respondents



W.P.No.32319 of 2022

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus seeking for a direction to direct the 1st respondent to shut down the power loom situated at Survey No.70/3 and pass orders in accordance with law and pass such further orders as this Court may deem fit and proper in the interest of justice.

For Petitioner : Mr.A.A.Venkatesan

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1 to R3
Mr.I.Syed Sibghatulla
Standing Counsel for R5
Mr.V.P.R.Elamparithi
Additional Government Pleader
for R4, R6

ORDER

The petitioner has sought a mandamus directing R1 to shut down the power loom at Survey No.849/850, Vadakku Street, Kuruppa Naickeanpalayam, Bhavani Taluk, Erode District (property / property in question).

2. Mr.Gokul Krishnan, learned Additional Government Pleader, who appears for the respondents states that pending writ petition, the Deputy Director of the Erode District and Town Planning Department has issued a notice to R7 calling for certain documents to establish that the power loom being run in the property in question, is with proper approvals.



W.P.No.32319 of 2022

3. In such circumstances, mandamus, as sought for, is rendered unnecessary as necessary action has already been initiated by the proper authorities. Notice dated 04.03.2024 gives R7 15 days to produce the building approval details as the basis of the notice is that the petitioner has obtained planning permit for a residence but is now using the same for industrial activity.

4. According to learned counsel for R7, R7 has not complied with the notice. Hence, while disposing this writ petition, there is a direction to R7 to cooperate in the proceedings initiated now by the Deputy Director and produce all details sought for. There is a further direction to the Deputy Director to complete the proceedings, expeditiously and in accordance with law, within a period of four weeks from today and file a status report accompanied by a copy of this order before the Registry. No costs. Connected miscellaneous petition is closed.

25.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

Note to Registry : Place the Status Report and annexures before me in Chambers.



W.P.No.32319 of 2022

WEB COPY

To

- 1.The Commissioner,
Town and Country Planning Department,
No.807, Anna Salai,
Chennai – 600 002.
- 2.The Assistant Director,
Town and Country Planning Department,
Salem Division,
No.6, Sannathi Street,
Subramani Nagar, Salem – 636 005.
- 3.The District Collector,
Erode District, Erode.
- 4.The Block Development Officer,
Block Development Office,
Bhavani, Erode District.
- 5.The Superintendent Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation,
Gobichettipalayam, Erode District.
- 6.Panchayath President
Kuruppanayakanpalayam Village and Post,
Bavani Village Union,
Erode District.



WEB COPY



W.P.No.32319 of 2022

DR. ANITA SUMANTH,J.

ssm

W.P.No.32319 of 2022

25.03.2024