



W.P. No. 32006 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32006 of 2023

and

W.M.P. Nos. 31584 and 31585 of 2023

Manuel Iruthayanathan

... Petitioner

-VS-

1. The Secretary
Government of Tamil Nadu
Rural Development and Panchayat Raj
Fort St. George
Chennai
2. The District Collector,
Thiruvallur District,
Thiruvallur.
3. The Assistant Director Panchayat,
Thiruvallur District,
Kadambathur, Thiruvallur.
4. The Commissioner,
Kadambathur Panchayat Union,
Thiruvallur District - 631203.
5. The Block Development Officer,
Village Panchayat,
Kadambathur, Tiruvallur.
6. The Tahsildar,
Thiruvallur Taluk Office,
Thiruvallur.

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order bearing Na. Ka. No. 1892/2023/A3 dated 19.10.2023 made by the Fifth Respondent and to quash the same and consequently direct the Fifth Respondent to grant factory building licence approval for M/s. LDS Rubber Tech Pvt. Ltd factory at Survey No. 357/7, 8, 10, 12, 13 and 16, Ulundai Main Road, Tiruvallur Taluk and District.

For Petitioner : Mr. V.Prakash
Senior Counsel
for Ms. S.Shalini

For Respondents : Mr. S.Prabhakaran
Government Advocate (for R1, R2 & R6)

Mr. R.Abdul Mubeen (for R4)

Mr. C.Sathish (for R5)

ORDER

Heard Mr. V.Prakash, Learned Senior Counsel for Ms. S.Shalini, Learned Counsel for the Petitioner, Mr. S.Prabhakaran, Learned Government Advocate appearing for the First, Second and Sixth Respondents, Mr. R.Abdul Mubeen, Learned Counsel appearing for the Fourth Respondent and Mr. C.Sathish, Learned Counsel appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Writ Petition has been filed challenging the Order in Na. Ka. No. 1892/ 2023/A3 dated 19.10.2023 passed by the Fifth Respondent and to consequently direct the Fifth Respondent to grant factory building licence approval for M/s. LDS Rubber Tech Pvt. Ltd factory at Survey Nos. 357/7, 8, 10, 12, 13 and 16, Ulundai Main Road, Tiruvallur Taluk and District.

3. Learned Senior Counsel appearing for the Petitioner, relying on the decision of this Court in ***President, Gangaikondan Panchayat -vs- Chief Engineer, Non-Conventional Energy Sources, Tamil Nadu Electricity Board, Chennai*** [(2012) 5 CTC 450], contends that no notification has been issued under Section 159 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as 'the Act' for short), specifying the purposes which in their opinion, are likely to be offensive or dangerous to human life or health or property for which licence would have to be obtained, and no rules under Section 161 of the Act have been made by the State Government in that regard. In such circumstances, Learned Counsel for the Petitioner has filed memo dated 12.03.2024, which reads as follows:-

" 1. The Petitioner applied for license under Sec. 159 of the Tamil Nadu Panchayat Act, 1994 and also paid licence fee of



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Rs. 13,89,219/- by way of Demand Drafts dated 13-10-2023

bearing Nos. 654654, 654655, 654657, 654658 and E-

challan No. 20231013016006. It is seen that no rules have

been framed U/Sec. 161 of the aforesaid Act and this Hon'ble

*Court in the **President, Gangaikondan Panchayat -vs- Chief***

Engineer, Non-conventional Energy Sources (NCES)

Reported in 2012 (5) CTC 450 has held that till Rules are

framed the Panchayat Union cannot insist on the factory

owner to get a licence. In view of the same the petitioner is

not pressing this Writ Petition and reserves liberty to claim

the refund of Rs. 13,89,219/- obtained for the same by the 4th

Respondent and render justice."

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

12.03.2024

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 23.04.2024.

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To

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Government of Tamil Nadu
Rural Development and Panchayat Raj
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Thiruvallur.
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P.D. AUDIKESAVALU, J.

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