



W.P.No.7513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

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CORAM :

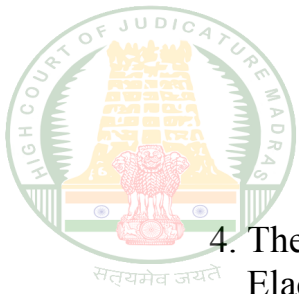
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

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Gem Blue Metal
A Partnership Firm
represented by its Managing Partner
Mr.P.A.Raja
carrying on business at:
S.F.Nos.223/2, 224/1, 224/2, 224/3A
Kokkalai Village, Thiruchengode Taluk
Namakkal District .. Petitioner

-VS-

1. The District Collector
Namakkal District, Namakkal
2. The Deputy Director
Directorate of Town and Country Planning
Namakkal Region, No.6/12, 17, Paramathi Road (South Part)
Namakkal Town 637 001
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Kumarapalayam Town and Taluk
Namakkal District



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4. The Block Development Officer
Elachipalayam Panchayat Union
Elachipalayam, Thiruchengode Taluk
Namakkal District

5. The President
Periamanali Village
Thiruchengode Taluk
Namakkal District

6. Mr.G.Suresh
S/o Late Ganapathy
Mettukadu, Kottapalayam
Periamanali Village
Thiruchengode Taluk
Namakkal District

7. The Director of Town and Country Planning-DTCP
CMDA Office Complex
E and C, Market Road, Srinivasa Nagar
Virugambakkam, Koyambedu
Chennai 600 107
(R7 suo motu impleaded as per order
dated 25.02.2025 in WP.7513/2024) .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st to 5th Respondents to take necessary actions against the 6th Respondent based on the Petitioner's representation dated 15.02.2024 within a time frame fixed by this Hon'ble Court.

For Petitioner :: Mr.P.S.Prabu

For Respondents :: Mrs.E.Ranganayaki
Additional Government Pleader



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for R1, R2 and R7
Mr.V.Gunasekar
Standing Counsel for R3
Mr.R.Kumaravel
Additional Government Pleader
for R4 & R5
Mr.R.Thirumoorthy for R6

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the respondents 1 to 5 to take necessary action against the sixth respondent based on the representation dated 15.02.2024 regarding the violations committed in running the poultry farm.

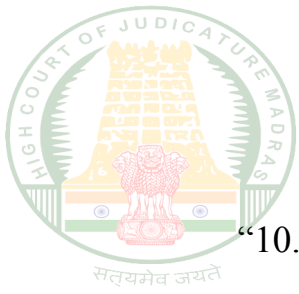
2. The learned counsel for petitioner would submit that the sixth respondent is developing a poultry farm in violation of the rules and flouting the pollution norms. In this regard, a complaint has been submitted. Since no action has been taken, the present writ petition came to be instituted.



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3. The learned counsel for sixth respondent would submit that the petitioner itself, being a partnership firm, is committing certain illegalities by running a crushing unit and carrying on quarrying operations. In this regard, one of the villagers has given a complaint and action has been initiated against the petitioner in pursuance of the order passed in the writ petition filed by the villager.

4. As far as the present writ petition is concerned, the petitioner has given a complaint stating that the sixth respondent is committing illegalities and running the poultry farm in violation of law. This Court is of the considered view that the allegations raised in the present writ petition cannot be clubbed together with the allegations set out by the sixth respondent against the writ petitioner. All such allegations are to be dealt with separately in accordance with law. As far as the present writ petition is concerned, the Assistant Director, District Town and Country Planning Office, Namakkal filed a counter affidavit stating that the sixth respondent has committed violations. The violations committed by the sixth respondent, as stated in the counter, are as follows:-



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“10. I humbly submit that this respondent inspected the 6th respondent's poultry sheds and its associated buildings on 28.02.2025 and it is found that the poultry sheds (3 Nos), AC sheet godown (105' x 51.5') having extent 5407.50 sq.ft and a residential building (41.5'x 35') having area 1452.50 sq.ft are located as follows:-

	<i>Distance from the boundary of quarry in Survey Nos 224/1,2,3A (License ended on 14.05.2020)</i>	<i>Distance from the boundary of quarry in Survey Nos 224/3B (License ended on 21.02.2021)</i>	<i>Distance from the boundary of quarry in Survey Nos 225/1B (License will end on 17.01.2034)</i>	<i>Remarks</i>
Poultry Sheds	281m	150.40m	53m	<300m
AC sheet roof Godown	379m>300m	248.40m<300m	151m<300m	Violation
Residential RCC Building	379m>300m	248.40m<300m	151m<300m	violation
		Distance from Stone Crusher Unit in Survey Nos.224/1,2,3A (Renewal of consent upto 31.05.2026)		Remarks
Poultry Sheds	281m			<500m
AC sheet roof Godown	379m			<500m hence violation
Residential RCC Building	379m			500m hence violation

11. It is pertinent to note that the 6th respondent had planned to construct the poultry and Godown building after the quarry lease



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license validity has ended on 14.05.2020 for Survey No 224/1,2&3A & 21.02.2021 for Survey No 224/3B and obtained the building approval for poultry on 09.09.2022 and then for the AC sheet roof godown building on 04.09.2023 from the local authority 5th respondent. But the RCC Reside Building has been approved and constructed by the 6th Respondent only after obtaining the permission and functioning of quarry in Survey No 225/1B. Hence the residential building located within the prohibited distance of 300 m radius from the existing live quarry as per TNCD&BR 2019 – the construction shall be treated as violation.

16. I humbly submit that as specified in Tamil Nadu Combined Development and Building Rules, 2019, **No residential or commercial or institutional building shall be constructed within the radius of 500 m from an existing crusher.** As AC sheet roof godown & Residential RCC Building are located within the prohibited distance of 500 m radius from the existing crusher boundary, the aforesaid constructions shall be treated as violation. The 5th respondent had approved the above said buildings by ignoring the Tamil Nadu Combined Development and Building Rules, 2019 and did not considering the planning parameters factors around the site. Hence the building approvals given by the village Panchayat to the AC Sheet godown and RCC residential building are in violation



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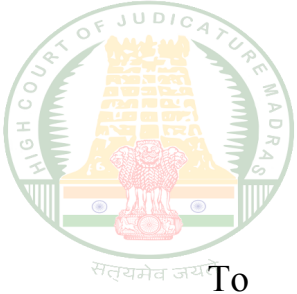
to the rules.

17. I humbly submit that till now, the 6th respondent did not submit any other application for DTCP approval for his Godown building as the built-up area is more than 2000 sq.ft. However, in the meantime this 2nd respondent have also directed the 5th respondent The Special Officer, Periyamanali Village Panchayat to cancel the proceedings of Building permit issued by the local authority communicated vide letter Na.Ka.No.960/2024/NaMa dated 28.02.2025 in order to take necessary further action on the unauthorized constructions such as Ac sheet roof godown and RCC residential building.”

5. Since the violations are already identified by the official respondents and actions have already commenced, the respondents 1 to 4 are directed to continue the enforcement actions by following the procedures and ensure that the lives of the people living in that locality are protected, which is the basic right enunciated under the Constitution, and conclude the same within a period of three months from the date of receipt of a copy of this order. The writ petition stands disposed of. No costs.

Index : yes
Neutral citation : yes
SS

(S.M.S.,J.) (K.R.S.,J.)
25.03.2025



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To
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S.M.SUBRAMANIAM,J.

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K.RAJASEKAR,J.

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