



WEB COPY

WP.No.9626 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.9626 of 2024
and
WMP.No.10660 of 2024

L.Muthukumaran

... Petitioner

Vs.

1. The District Collector,
Cuddalore - 607 001.
2. The Commissioner of Corporation,
Cuddalore Corporation,
Cuddalore District.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.A3, SIPCOT,
Industrial Complex,
Kudikaadu,
Cuddalore - 607 005.

4. K.Kanthasamy
5. Palani

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the respondents 1 to 3 herein to take appropriate action against the 4th and 5th respondent and to



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remove the unauthorized construction put up by the 4th respondent in the name and style of 'Sri Periyandavar Welding Labout Works' Plot No.35B and the 5th respondent in the name and style of 'Palani Saw Mill & Cement Works" in the Plot No.12, 19 and 20 situate at Palanisamy Nagar, New Vandipalayam, Cuddalore considering the communication sent by the 3rd respondent to the 2nd respondent dated 14.02.2024.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mrs.E.Ranganayaki
Additional Government Pleader for R1
: Mr.L.P.Maurya
Standing Counsel for R2
: Mr.V.Gunasekar
Standing Counsel for TNPCB for R3
: Mr.D.Baskar for R4
: Mr.N.R.Rajagopalan for R5

ORDER

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

The writ of mandamus has been instituted to direct the respondents the respondents 1 to 3 herein to take appropriate action against the 4th and 5th respondents and to remove the unauthorized construction put up by the 4th respondent in the name and style of 'Sri Periyandavar Welding Labour Works' Plot No.35B and the 5th respondent in the name and style of 'Palani Saw Mill & Cement Works" in the Plot No.12, 19 and 20 situate at Palanisamy Nagar, New Vandipalayam, Cuddalore considering the



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communication sent by the 3rd respondent to the 2nd respondent dated 14.02.2024.

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2. Pursuant to the interim orders issued by this Court, the Cuddalore Municipal Corporation Authorities conducted an inspection and found that the respondents 4 and 5 are illegally running an industry / commercial establishment in the residential plot. Both the respondents 4 and 5 are not holding valid license as of now.

3. Learned Counsel for the 4th respondent would submit that the fourth respondent has filed a writ petition, which was dismissed and appeal was filed. The Cuddalore Municipality issued a notice to the 5th respondent on 23.04.2025 stating that they have committed offence under Section 289(1)(4), 290(2), 291(1)(2), 304 & 308 of Tamil Nadu Urban Local Bodies Act.

4. Undoubtedly, industry / commercial establishment in a residential plot would cause health hazards and inconvenience to the people residing nearby. It will cause inconvenience to the aged people and more



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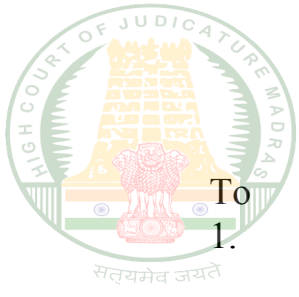
specifically, their right to life ensured under the Constitution would be infringed. The layout itself has been approved as a residential layout and there is no approval for developing any commercial establishment. Therefore, no industry can be permitted in the residential plot, since it would cause greater hardship to the residents of that locality.

5. However, action has been initiated. Till such time appropriate orders are passed by the competent Authorities, the respondents 1 to 3 are directed to ensure that the entire commercial / industrial activities by the respondents 4 and 5 are suspended. Appropriate final orders after completing the procedures as contemplated is directed to be passed within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition stands **allowed**. No costs.
Consequently, connected miscellaneous petition is closed.

[S.M.S,J.] [K.R.S,J.]
24.04.2025

veda
Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation:Yes/No



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To
1.

The District Collector,
Cuddalore - 607 001.

2.

The Commissioner of Corporation,
Cuddalore Corporation,
Cuddalore District.

3.

The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.A3, SIPCOT,
Industrial Complex,
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AND
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