



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-04-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 14802 of 2024 & WP NO. 34668 OF 2024

AND

**WMP NO. 16037 OF 2024, WMP NO. 16039 OF 2024, WMP.No.37600 of
2024, WMP NO. 37601 OF 2024, WMP NO. 37602 OF 2024**

1. P.Poornima,
W/o. K.G. Chandru, Sf No. 301/3b,
Thiruvalluvar Nagar, Kallipatti -638
505, Gobichettipalayam Taluk, Erode
District.

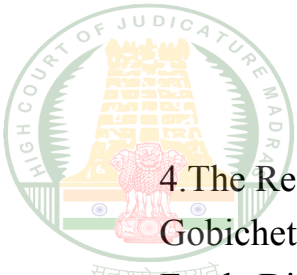
Petitioner(s)

Vs

1. The District Collector,
Collectorate, Erode -638 011.

2.The Joint Director,
Agricultural Department, Vidya Nagar,
Thindal Medu -638 012,
Erode District.

3.The Revenue Divisional Officer,
Gobichettipalayam -638 452, Erode
District.



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4.The Revenue Tahsildar,
Gobichettipalayam Taluk,
Erode District -638 452.

5.The Deputy Director,
District Town And Country Planning,
Sampath Nagar, Erode -638 009.

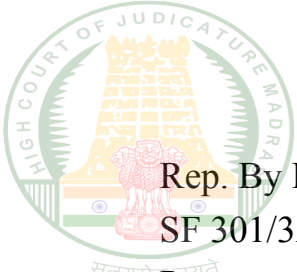
6.The Block Development Officer,
(village Panchayat),
Thokkanaickenpalayam Union,
Thookanaickenpalayam -638 506,
Erode District.

7.The Perumugal Village Panchayat,
Rep. By Its President,
Perumugai -638 505,
Gobichettipalayam Taluk, Erode
District.

8.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot NoJ-2(W),
SIPCOT Industrial Estate,
Coimbatore Main Road, Olapalayam
Post, Perundurai -638 052,
Erode District.

9.The Executive Engineer,
Tamil Nadu Generation And
Distribution Corporation,
Gobichettipalayam Distribution Circle,
Gobichettipalayam -638 452,
Erode District.

10.M/s.Siva Sakthi Spinners,



Rep. By Its Partner E.R. Mohan,
SF 301/3A, Thiruvalluvar Nagar,
Perumugai B Village,
Kallipatti,
Gobichettipalayam Taluk -638 505,
Erode District.

11.K.K.Shanmugam,
S/o. K.Karuppanna Gounder,
SF 301/3A, Thiruvalluvar Nagar,
Perumugai B Village,
Kallipatti,
Gobichettipalayam Taluk -638 505,
Erode District.

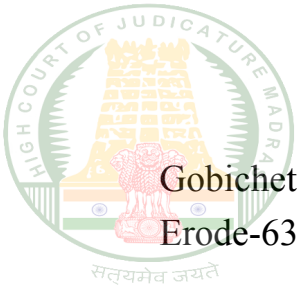
Respondent(s)

WP No. 34668 of 2024

1. V.Senthilkumar
S/o.V.R.Venkatachalam,
No.5/379/1, Kongumadai Thottam,
Thiruvalluvar Nagar,
Perumugai Village,
Gobichettipalayam Taluk,
Erode District-638 505.

2.K.N.Murugesan
S/o.Nadaraj Goudner,
No.383, Aatharithottam,
Thannerpandhal, Perumugai,
Gobichettipalayam Taluk, Kallipatti,
Erode-638 505.

3.K.M.Kumar
S/o.Muthusamy Goudner,
No.278, Gandhi Street, Kallippatti,



Gobichettipalayam Taluk,
Erode-638 505.

WEB 4.N.Venkatachalam

S/o.Nataraj Goudner.K,
No.384, Thiruvalluvar Nagar,
Thanner Pandal, Perumugai Village,
Gobichettipalayam Taluk,
Erode District-638 505.

5.MUTHUSAMY

S/o.Sennimalai Gounder,
No.377/1, Kiluvankattu Thottam,
Perumugai, Thiruvalluvar Nagar,
Gobichettipalayam Taluk,
Erode-638 505.

Petitioner(s)

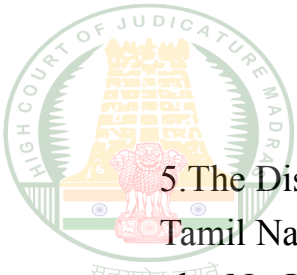
Vs

1. The District Collector
Erode District, Erode-638 011.

2.The Deputy Director
District Town And Country Planning,
Sampath Nagar, Erode-638 009.

3.The Block Development Officer (VP)
T.N.Palayam Union,
T.N.Palayam-638 506, Erode District.

4.The President
Perumugai Village Panchayat,
Gobichettipalayam Taluk,
Erode District.



5.The District Environmental Engineer
Tamil Nadu Pollution Control Board,
plot No.J-2(W) Sipcot Industrial Estate,
Coimbatore Main Road,
Perundurai-638 052, Erode District.

6.The Executive Engineer
Tamil Nadu Generation And
Distribution Corporation,
Gobichettipalayam Distribution Circle,
Gobichettipalayam-638 452,
Erode District

7.The Revenue Divisional Officer
Gobichettipalayam, Erode District.

8.The Tahsildhar
Gobichettipalayam Taluk, Erode
District.

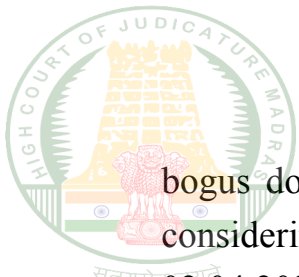
9.M/s.Shiva Sakthi Spinners,
Rep. By Its Partner E.R.Mohan,
S.F.301/3A, Thiruvalluvar Nagar,
Perumugai B Village, Kallipatti,
Gobichettipalayam Taluk-638 505,
Erode District.

Respondent(s)

WP No. 14802 of 2024

PRAYER

Directing the Respondents 1 to 9 to take immediate action against the respondents 10 and 11 by closing and sealing their red category industry at 301/3A, Thiruvalluvar Nagar, Perumugal B Village, Gobichettipalayam Taluk, Erode District, for want of building/planning permission from the respondents 5 to 7, consent to operate/establish from the 8th respondent and for producing



bogus documents to the 9th respondent for getting EB Service connection, by considering the petitioner's representations dated 25.03.2024, 30.03.2024, 02.04.2024, 04.04.2024, 15.04.2024, 04.05.2024, 14.05.2024, 16.05.2024 and 21.05.2024.

WP No. 34668 of 2024

PRAYER

Directing the respondents 1 to 8 herein to initiate action against the 9th respondent for causing hazardous pollution by issue an order of lock and seal for not obtained Planning Permission under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 and for having not classified the Agricultural land as mandated under rule 3 of the Tamil Nadu Change of Land Use (From Agricultural to Non Agricultural purposes in Non Planning Areas) Rules, 2017.

WP No. 14802 of 2024

For Petitioner(s): Mr.N. Manoharan

For Respondent(s): Mr. M.R. G.Ameedius,
Government Advocate For Rr1 To 5
Mr. C.Selvaraj,
Additional Government Pleader For R6 ,
No appearance For R 7,
Mr. V. Gunasekar
Standing Counsel For TNPSC For R8
Mr. I. Syed Sibghatulla, Standing Counsel
For R9
Mr. D. Veerasekaran, For R10 and 11.

WP No. 34668 of 2024

For Petitioner(s): Mr.E.P.Senniangiri

For Respondent(s): Mr. M.R. G.Ameedius,
Government Advocate For Rr1, 2, 7 & 8
Mr. C.Selvaraj,
Additional Government Pleader For R3 ,



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WP No. 14802 of 2024



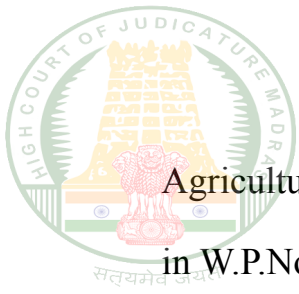
No appearance For R 4,
Mr. V. Gunasekar
Standing Counsel For TNPSC For R5
Mr. I. Syed Sibghatulla, Standing Counsel
For R6

COMMON ORDER

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

The Writ of Mandamus in W.P.No.34668 of 2024 has been filed to direct the Respondents 1 to 9 to take immediate action against the respondents 10 and 11 by closing and sealing their red category industry at 301/3A, Thiruvalluvar Nagar, Perumugal B Village, Gobichettipalayam Taluk, Erode District, for want of building/planning permission from the respondents 5 to 7, consent to operate/establish from the 8th respondent and for producing bogus documents to the 9th respondent for getting EB Service connection, by considering the petitioner's representations dated 25.03.2024, 30.03.2024, 02.04.2024, 04.04.2024, 15.04.2024, 04.05.2024, 14.05.2024, 16.05.2024 and 21.05.2024 in W.P.No.14802 of 2024.

2. The Writ of Mandamus in W.P.No.14802 of 2024 has been instituted to direct the respondents 1 to 8 herein to initiate action against the 9th respondent for causing hazardous pollution by issue an order of lock and seal for not obtained Planning Permission under Section 49 of the Tamil Nadu Town and Country Planning Act, 1971 and for having not classified the Agricultural land as mandated under rule 3 of the Tamil Nadu Change of Land Use (From



Agricultural to Non Agricultural purposes in Non Planning Areas) Rules, 2017
in W.P.No.34668 of 2024.

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3. The petitioner in W.P.No.14802 is the owner of the lands measuring 47.50 cents in S.F.No.301/3B, Perumugai (B) Village, Gobichettipalayam Taluk, Erode District. There is a residential house in which the petitioner is residing. He is doing cultivation in the land. However, Respondents 10 and 11 have unauthorizedly constructed a building and are operating an industry in violation of building rules and other laws, including those related to pollution. Notably, they have not obtained the necessary change of use for the land, which remains classified as agricultural land. Without converting the land's classification, utilizing it for industrial purposes is impermissible. Thus, Respondents 10 and 11 have violated the relevant Acts and Rules.

4. The 5th respondent/Deputy Director, District Town and Country Planning Office filed a counter affidavit stating as follows,

“3. It is respectfully submitted that the answering respondent DEE TNPCB, Perundurai deny all the averments contained in the affidavit except those that are specifically admitted hereinafter. None of the allegations contained in the said affidavit shall be deemed to be admitted merely for want of a specific denial/traverse.

4. It is respectfully submitted that, the answering respondent submit the brief facts of the



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case as response to the averments contained in the affidavit.

5. It is respectfully submitted that the eighth respondent DEE, TNPCB, Perundurai received a public complaint on 25.03.2024 from Tmt.Poornima residing at D.No.374, Thiruvalluvar Nagar, Kallipatti, Gobichettipalayam Taluk, Erode District against the unit M/s.Siva Sakthi Spinners, S.F. No. 301/3, Perumugai Village, Gobichettipalayam Taluk, Erode District (which is located adjacent to her residence) regarding the operation of the spinning mill which causes noise pollution in the nearby area. Based on the public complaint, the unit M/s. Siva Sakthi Spinners was inspected by the official of the eighth respondent O/o. DEE, TNPCB, Perundurai on 30.03.2024 and the following were observed.

i. The unit was under operation, carrying out the activity of spinning of polyester yarn.

ii. The unit has established and installed machinery for carrying out the activity of spinning of polyester yarn without obtaining prior consent of the Board.

iii. The unit has installed machinery such as blow room, conveyors, carding machine (3 Nos.), drawing machine (2 Nos.), simplex and spinning frame for carrying out the activity of spinning of polyester yarn.

iv. The unit has provided a common dust evacuation system to control fugitive emissions from carding and drawing machines and overhead dust



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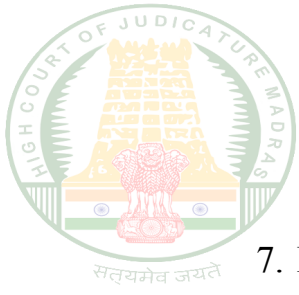
collection system for simplex and spinning frames.

v. The suction activity of the common dust evacuation system, which collects the polyester waste fibres, is located outside the unit on the western side near the complainant's house, which is observed to be causing noise pollution to the nearby area.

6. It is respectfully submitted that based on the inspection, vide proceeding dated 01.04.2024 show cause notice was issued to the unit for operating the unit without obtaining consent of the Board. The unit vide letter dated 15.04.2204 furnished reply for the show cause notice requesting one month time for controlling the noise and air pollution efcaused by the unit and to apply for the consent to operate of the Board.”

5. Reading of the above paragraphs in the counter affidavit would reveal that the building is wholly unauthorised and further it is utilised for industrial purposes, which is prohibited under law. That being so, the respondents 1 to 9 are directed to initiate enforcement action to demolish the unauthorised construction and initiate all appropriate action to ensure that no industrial activities are permitted in the said land.

6. However, it is made clear that the interim order granted by this Court not to run the industrial activities shall continue till such time the unauthorised constructions are demolished. The said exercise is directed to be completed within a period of three months from the date of receipt of a copy of this order.



7. In view of the order passed in this Writ Petition, no further orders are required in the other Writ Petition filed by the petitioner in W.P.No.34668 of 2024.

8. Accordingly, W.P.No.14802 of 2024 stands allowed and W.P.No.34668 of 2024 stands closed. No costs. Consequently, the connected Miscellaneous Petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

30-04-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

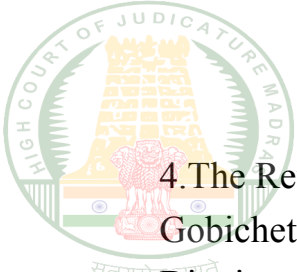
Neutral Citation: Yes/No

To

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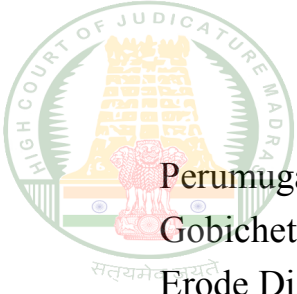
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10.M/s.Siva Sakthi Spinners,
Rep. By Its Partner E.R. Moha, Sf
301/3a, Thiruvalluvar Nagar,



Perumugai B Village, Kallipatti,
Gobichettipalayam Taluk -638 505,
Erode District.

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S/o. K.Karuppanna Gounder, Sf
301/3a, Thiruvalluvar Nagar,
Perumugai B Village, Kallipatti,
Gobichettipalayam Taluk -638 505,
Erode District.

12.The President
Perumugai Village Panchayat,
Gobichettipalayam Taluk, Erode
District.

13.The Tahsildhar
Gobichettipalayam Taluk, Erode
District.



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WP No. 14802 of 2024



**S.M.SUBRAMANIAM
J.
AND
K.RAJASEKAR J.**

**WP No. 14802 of 2024 &
WP NO. 34668 OF 2024,**

30-04-2025