



W.P(MD)No.21996 of 202

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.21996 of 2025

and

W.M.P(MD)No.17092 of 2025

A.C.Jegadeeshen

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi - 627 811
- 2.The Assistant Director and Town and Country Planning,
Office of Town and Country Planning,
Kalloorani Village,
Tirunelveli Road,
Opposite Sub Registrar Office,
Pavoorchatram,
Tenkasi District,
Pin Code 627 808
- 3.The Block Development Officer (Village Panchayat),
Kuruvikulam Panchayat Union,
Kuruvikulam,
Thiruvengadam Taluk,
Tenkasi District.
Pincode 627 754
- 4.The Commissioner of Panchayat Union,
Kuruvikulam Panchayat Union,
Kuruvikulam,



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Thiruvengadam Taluk,
Tenkasi District.
Pincode 627754

5.The President,
Sevalkulam Panchayat,
Sevalkulam,
Thiruvengadam Taluk,
Tenkasi District.
Pincode 627 754

6.Hindu Kuravan Samuthayathirkku,
Pathiyappatta Sevalkulam,
Arulmigu Pooludaiyar Sasta,
Sri Karuppasamy Thirukovil,
Rep by S.Karuppusamy,
Temporary President,
Door No.70/19, Bharathiar, 7th Street,
Sankarankovil,
Tenkasi District 627 756.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 5 from sanctioning any layout planning permission or building permission for construction of the temple in the land bearing S.F.No.1010/1 in Sevalkulam village, Thiruvengadam taluk, Tenkasi District considering the representation of the petitioner dated 17.01.2025 pass such further or other order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.V.Sanjeevi

For R1 & R2 : Mr.D.Ghandiraj
Special Government Pleader

For R3 to R5 : Mr.R.Suresh Kumar
Additional Government Pleader



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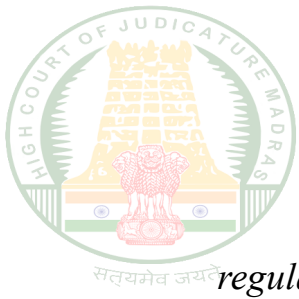
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ORDER

This writ petition has been filed for a writ of Mandamus to forbear the the respondents 1 to 5 from sanctioning any layout planning permission or building permission for construction of the temple in the land bearing S.F.No. 1010/1 in Sevalkulam village, Thiruvengadam taluk, Tenkasi District, by considering the representation of the petitioner dated 17.01.2025.

2. The petitioner is operating a quarry and crusher unit on the lands situated in S.Nos.1035/1, 1063/1 and 2, 1064/1,2.3 and 4 and 1065/3A & 3B which ostensibly fall within 500 metres of the patta land of the sixth respondent in S.Nos.1051/2, 1051/3, 1058/1A and 1058/1b measuring an extent of 2.815 hectares in Sevalkulam Village, Thiruvengadam Taluk, Tenkasi District.

3. It is submitted that the sixth respondent is proposing to apply for lay out approval/permission for putting up a temple, which is in direct contravention of Rule 19 read with Annexure XVII of Clauses 3(a), 3(b), and 3(c) of the Tamil Nadu Combined Development and Building Rules, reads as under:



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19.Development Prohibition or restricted areas- *The regulations for Development prohibited or restricted areas are furnished in Annexure – XVII. The Government may notify modifications to these regulations from time to time and such modifications shall prevail.*

Annexure-XVII (3) Proximity to quarries and crushers:

(a) No sub-division or layout for building purposes shall be made and no building for Residential, Commercial, Industrial or Institutional or any structure for occupation shall be constructed within 300m from an existing live quarry. (If a quarry is claimed as abandoned, then a certificate from the local body or the licensing authority concerned to that effect shall be produced when necessary)

(b) No subdivision or layout for building purposes shall be made and no residential or commercial or institutional building shall be constructed within the radius of 500m from an existing crusher.

(c) No crusher is permissible within a distance of 500m from an existing residential area.

4. That apart, it is submitted that Rule 36(1-A)(c) of the Tamil Nadu Minor and Minerals Concession Rules, which contains general restrictions in respect of quarrying operation. It is specifically stated that Rule 36(1-A)(c) was inserted by G.O.Ms.No.38, Industries dated 25.01.2000, as per which no lease shall be granted for quarrying stones within 300 metres from any inhabited site. Rule 36(1-A)(c) of the Tamil Nadu Minor and Minerals Concession Rules, reads as under:

36(1-A)(c) No new layout, building plans falling within 300 metres from any quarry should be given approval by any agency unless prior clearance of the Director of Geology and Mining is obtained.



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On receipt of proposals for according clearance, the Director of Geology and Mining shall decide upon the continuance or closure, as the case may be, of any quarry which is situated within 300 metres from the new layout, building sought for such clearance.

5. The learned Special Government Pleader for the respondents 1 and 2, on instructions, submits that no proposal has been received for putting up any construction or obtaining any lay out from the sixth respondent. The same stands recorded.

6. The learned Special Government Pleader for the respondents 1 and 2 has also produced the copy of the communication received from the second respondent in connection with the present writ petition dated 11.08.2025 signed by the second respondent.

7. The learned Additional Government Pleader for the respondents 3 to 5 also submits that the fifth respondent has also not received any proposal from the sixth respondent to put up any construction. It is submitted that the sixth respondent has merely put up the board indicating that the subject land belongs to the temple. Therefore, the writ petition is liable to be dismissed.

8. Having considered the arguments advanced by the learned counsel



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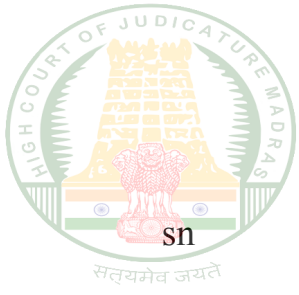
for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned Additional Government Pleader for the respondents 3 to 5 and the provisions of the Rule 19 read with Annexure XVII of the Tamil Nadu Combined Development and Building Rules, 2019, and Rule 36(1-A)(c) of the Tamil minor and Minerals Concessional Rules, it is made clear that no construction can be put up within the stipulated distance as per the provisions of the aforesaid Rules.

9. That apart, an order has already been passed prohibiting such construction. In case any application is submitted by the sixth respondent for putting up such construction, appropriate orders shall be passed in accordance the provisions of the respective Rule and the above decision. It is needless to state that passing such order, the petitioner shall be heard.

10. This writ petition stands disposed of with the above observations.
No costs. Consequently, the connected miscellaneous petition is closed.

11.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No



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C.SARAVANAN, J.

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