



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No.25446 of 2025

Subbayan and Co.,

Rep.by its Partner

S.Sivasakthivel

.. Petitioner

Vs.

1. The District Collector/
Inspector of Panchayat,
District Collectorate,
Tiruppur 641 604.
2. The Assistant Director of Panchayat,
Collectorate, Tiruppur, Tiruppur District.
3. The Block Development Officer,
(Village Panchayats),
Pongalur Panchayat Union, Pongalur,
Palladam Taluk, Tiruppur District.
4. The Special Officer,
V.Vavipalayam Village Panchayat,
V.Vavipalayam, Pongalur Panchayat Union,
Pongalur, Tiruppur District.
5. The District Officer,
Town and Country Planning,
Tiruppur,
Tiruppur District.

.. Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the 3rd and 4th respondents to issue necessary building plan approval for construction of coconut charcoal industrial unit at S.No.10/1, Vavipalayam Village, Palladam Taluk, Tiruppur District to the extent of 20.05 acres.



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For Petitioner : Mr.C.Prakasam

For Respondents : Ms.C.Meera Arumugam
Addl.Govt.Pleader - R1, R2 & R5.Mr.C.Sathish
Govt.Advocate - R3 & R4**ORDER**

The petitioner is the owner of the land situated at S.F.No.10/1 of Vavipalayam Village and Panchayat, Palladam Taluk, Tiruppur District. The land is agricultural punja land (dry) land. On the said land, the petitioner has proposed to establish a coconut charcoal Industry with a capacity of 30 metric tonnes, using coconut shells, as the basic raw material. Being an agricultural land, in compliance with the Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017 , the petitioner approached the Joint Director of Agriculture seeking his report on 23.01.2024. By his report dated 29.01.2024, the Joint Director of Agriculture, Tiruppur recorded no objection for the conversion of S.F.No.10/1 for non-agricultural purposes.

2. On the strength of the said report, the Town and Country Planning Department granted technical approval for construction of the industrial unit on 03.03.2025. Prior to this order, the petitioner had also obtained a “No



Objection Certificate” from the Fire and Rescue Department. The petitioner had earlier approached the Tamil Nadu Pollution, which granted consent to establish on 15.12.2022. Such counter was subject to conditions.

3. Despite the technical approval, the 4th respondent failed to grant the building permit, thereby compelling the petitioner to approach the 4th respondent for permission. The 4th respondent, in the normal course of events on the basis of the technical approval granted by the 5th respondent ought to have granted the building permit. However, he failed to do so. Hence, the petitioner is before this Court by way of present writ petition.

4. This Court entertained the writ petition and directed notice to the respondents. Respondent Nos.4 and 5 have filed their counter affidavit. The other respondents have not gone on record by way of a counter.

5. The specific stand of the 5th respondent is that, after perusal of the report of the Joint Director, the “No objection Certificate” granted by the Pollution Control Board and that of the Fire and Rescue Department, the application was processed and technical approval was granted. It is stated that it is now for the 4th respondent to grant the building permit.



6. The 4th respondent has taken a very unique stand, stating that the public have expressed apprehensions regarding adverse health impacts, pollution hazards, and damage to the agricultural ecosystem, and that, in view of the resolution passed by the Village Panchayat and Grama Sabha opposing the unit, the application was not processed further.

7. Law does not contemplate obtaining individual consent from villagers or passers-by for exercising statutory powers. The 4th respondent is bound to strictly comply with the provisions of law and has no discretion to refuse a planning permit, when all statutory approvals are in place.

8. Insofar as pollution is concerned, I am sure the 4th respondent is not an expert in the field. Parliamentary legislations have contemplated a particular Board to deal with matters relating to environment and pollution, namely, the Tamil Nadu Pollution Control Board. When the said Board has granted consent subject to conditions, the 4th respondent cannot sit on appeal over the same and decide that there might be pollution.



9. Even if the 4th respondent is an Environmental Engineer, while exercising statutory powers, he is not required to rely upon his personal opinions or knowledge to pass orders. As the Block Development Officer, once the Tamil Nadu Pollution Control Board has certified that the industry can be commenced, the 4th respondent is bound by the same and cannot question it except as otherwise permitted by law.

10. It is not in dispute that consent has been granted by the Tamil Nadu Pollution Control Board and that the same has not been challenged by anyone, including the 4th respondent.

11. Let us now move to the second aspect of the case. Admittedly, the land is an agricultural dry land. As per the 2017 Rules, the petitioner has approached the Joint Director of Agriculture and secured his report as well as the technical approval from the Town and Country Planning Authorities. The 4th respondent cannot abdicate or surrender his statutory functions, as stated in paragraph No.7 of the counter affidavit. If the application satisfies all the requirements of law, the 4th respondent ought to have granted the approval.



12. Unfortunately instead of supporting a person who is complying with the law, the 4th respondent has chosen to support the interests of persons who are threatening the industrialisation of the state and the development of the land by its owner. The Executive Authority of the State is expected to function strictly in compliance with the law and not act in response to extraneous considerations. India is a democracy governed by the Rule of law and not an “Arthur Murphy-ian mobocracy”.

13. It is unfortunate that the 4th respondent has failed to exercise the power vested in him. The petitioner has been constrained to approach this Court due to the unreasonable attitude adopted by the 4th respondent. Despite there being a clear statutory duty, the 4th respondent has not acted. This necessitates the issuance of a writ of mandamus.

14. In the light of the above discussions, the writ petition is ordered. The 4th respondent shall issue the building permit, if the application is in conformity with all legal requirements, without being influenced by extraneous considerations.

29.01.2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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To

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V.LAKSHMINARAYANAN J.

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