



WEB COPY



WP No.3556 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

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THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

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Vellingiri Hill Tribal Protection Society
Rep. by its President P.Muthammal
No.63, Kulathery Gandhiji Street,
Muttathuvayal, Semmedu Post,
Coimabtoe District-641 114.

: Petitioner

Vs

- 1.Union of India
Rep. by Secretary to Government
Ministry of Environment and Forest
Paryavaran Bhawan, CGO Complex
Lodhi Road New Delhi-3.
- 2.The Secretary to Government
Housing and Urban Development Department
and Chairman Hill Area Conservation Authority
Secretariat Chennai- 9.
- 3.The District Collector, Coimbatore District
- 4.The Hill Area Conservation Authority (District Collector)
Coimbatore District -641 018.
- 5.Thiru.T.N.Hariharan
District Collector, Coimbatore District

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6.The Commissioner
Town and Country Planning
No.807, Anna Salai, Chennai-2.

7.The Deputy Director
Town and Country Planning Coimbatore Region
Corporation Commercial Complex
Nanjappa Road, Coimbatore-18.

8.The District Forest Officer
Coimbatore Region, Coimbatore-641 043.

9.The Assistant Director
Tamil Nadu Pollution Control Board
No.42D, S.N.R.College Road
Peelamedu, Coimbatore-641 004.

10.The Revenue Divisional Officer
Coimbatore South, Coimbatore-641 018.

11.The Executive Officer
Ikkarai Boluvampatty Panchayat
Thondamuthur Panchayat Union
Coimbatore District-641 114.

12.The Managing Trustee
Isha Foundation,
15, Govindasamy Naidu Layout
Singanallur, Coimbatore-641 005. : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 2 to 11 to restore the wet lands by demolishing the unauthorized construction constructed by the 12th respondent in S.F.Nos.103, 104/1, 105/1, 105/2, 685/1, 685/2, 678/1, 677/1, 676, 679/2, 673, 672/2, 660/1, 661, 677/2A, 657/2B, 658/2A, 658/2B, 659/2, 646, 647, 645/1, 643/1, 108/1/1C1 and 1081/1C2 situated at Ikkarai Poluvampatti Village, Perur Taluk, Coimbatore District and consequently directing the respondents 2 to 11 to implement the G.O.Ms.No.44 of Planning and Development Department dated 2.4.1990 and G.O.Ms.No.49 of Housing and Urban Development



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Department dated 24.3.2003 letter and spirit in accordance with the Town and Country Planning Act.

For petitioner : Mr.M.Purushothaman
For 1st Respondent : Mr.B.Sudhir Kumar, SPC
For Respondents 2 to 4 : Mrs.R.Anitha, Spl.G.P.
6, 7 and 10
For Respondent No.9 : Ms.S.Shanmugavalli Sekar
For Respondent No.12 : Ms.A.M.Amutha Ganesh
for M/s.Nortan & Grant
For Respondents 5 & 11 : No appearance

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Purushothaman, learned counsel for the petitioner, Mr.B.Sudhir Kumar, learned counsel for the first respondent; Mrs.R.Anitha, learned Spl.G.P., for respondents 2 to 4, 6, 7 and 10, Ms.S.Shanmugavalli Sekar, learned counsel for respondent No.9, Ms.A.M.Amutha Ganesh, learned counsel for respondent No.12.

2. Mrs.R.Anitha, learned Special Government Pleader, has placed on record the status report about the no objection certificates and permissions not being obtained by respondent no.12.



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3. The Joint Director, District Town and Country Planning, shall consider the documents that may be placed by the petitioner and respondent no.12 and shall verify about the permissions in force and if the same is not in order, shall take further steps expeditiously with regard to the building that may not be constructed in accordance with the plan and the no objection certificate .

4. Respondent No.12 may place all the documents on which it relies with the authority, within two weeks from today.

5. With this observation, the writ petition is disposed of. There will be no order as to costs. Consequently, WMP Nos.21078, 3585 to 3587 of 2017 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

18.08.2023

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

1.The Secretary to Government
Ministry of Environment and Forest
Paryavaran Bhawan, CGO Complex
Lodhi Road New Delhi-3.

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2.The Secretary to Government
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and Chairman Hill Area Conservation Authority
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