

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 11534 of 2014 (N)

PETITIONER(S) :

M GAURI AGED 62 YEARS
W/O.P.V.CHANDRAN, MINİYADAN HOUSE, AKG NAGAR
EDOOR, P.O.PAYAM, PAYAM AMSOM DESOM
IRITTY TALUK, PIN.670 704.

BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.P.SAJU

RESPONDENT(S) :

1. SECRETARY
PAYAM GRAMA PANCHAYAT, P.O.MADATHIL, IRIITY TALUK
PIN.670 703.
2. DISTRICT ANIMAL HUSBANDRY OFFICER
KANNUR, P.O.KANNUR. 670 001.

R1 BY ADV. SRI.CIBI THOMAS
R2 BY ADV.ANITHA RAVINDRAN, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1- TRUE COPY OF THE ORDER DATED 17.08.2009 OF THE DISTRICT ANIMAL HUSBANDRY OFFICER.
P2- TRUE COPY OF THE LETTER DATED 02.01.2014 ISSUED BY VETERINARY SURGEON KAKKAYANGAD.
P3- TRUE COPY OF THE ORDER DATED 14.03.2014 OF PROJECT OFFICER KANNUR ITD PROJECT.
P4- TRUE COPY OF THE ORDER DATED 31.10.2013 OF THE DIRECTOR OF THE ANIMAL HUSBANDRY DEPARTMENT.
P5- TRUE COPY OF THE ORDER DATED 30.09.2013 ISSUED ANIMAL HUSBANDRY DIRECTORATE APPROVING EGGER NURSERIES.
P6- TRUE COPY OF THE RULE 14 OF THE RULES FOR ISSUING LICENSE FOR LIVE STOCK FARMS.
P7- TRUE COPY OF THE NOTICE DT. 16.12.2013 ISSUED BY R1.
P8- TRUE COPY OF THE EXPLANATION SUBMITTED BY THE PETITIONER TO EXT.P7.
P9- TRUE COPY OF THE NOTICE DT. 28.01.2014 ISSUED BY THE R1.
P10- TRUE COPIES OF THE CERTIFICATES SHOWING THE LIABILITIES OF THE PETITIONER AND HER HUSBAND ISSUED FROM THE BANKS.

RESPONDENT(S) ' EXHIBITS

EXHIBIT R2(A)-PHOTOCOPY OF THE ORDER NO.D2/5861/2009 DATED 17.8.2009 OF THE DISTRICT ANIMAL HUSBANDRY OFFICE, KANNUR

EXHIBIT R2(B)-PHOTOCOPY OF THE COMPLAINT NO.B1/10428/13 DATED 12.12.2013

TRUE COPY

SKS

P.A. TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 11534 OF 2014

Dated this the 12th day of October, 2015

JUDGMENT

Ext.P7 notice pertains to the alleged unauthorized conduct of an egger nursery by the petitioner. Ext.P9 notice pertains to the alleged unauthorized shed constructed by the petitioner to house the egger nursery.

2. The petitioner has a case that the building was constructed much before the Kerala Panchayath Building Rules were extended. The petitioner adds that no license at all is not required to conduct the egger nursery.

3. The 3rd respondent maintains that license is required to conduct the egger nursery. The 3rd respondent asserts that the petitioner is conducting a poultry farm along with the egger nursery.

4. I permit the petitioner to file a detailed objection to Exts.P7 and P9 notices. The objections shall be considered by the 3rd respondent Panchayath.

5. The petitioner as well as the additional 4th respondent shall be heard in the exercise. Final orders passed after considering the objections to Exts.P7 and P9 notices shall be duly communicated to the parties.

6. The 3rd respondent is free to call for a report from the additional 4th respondent. The additional 4th respondent can conduct an inspection and file a report before the 3rd respondent in time.

7. Any orders passed as directed above shall be enforced only after a period of two weeks from the date of its service. The status-quo as on today shall continue till orders are passed in compliance with the directions above.

The writ petition is disposed of accordingly.

V.CHITAMBARESH, JUDGE

sks

