

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.29795 of 2015

and M.P.Nos.1 and 2 of 2015

N.Murugesan

...Petitioner

Vs.

1. The Block Development Officer,
Walaja Taluk,
Vellore District.

2. The Panchayat President,
Narasingapuram Panchayat,
Seekkarajapuram Post - 632 515
Walaja Panchayat Union,
Vellore District.

...Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorarified mandamus calling for the records relevant to the undated order passed by the 2nd respondent and quash the same as improper, illegal, unreasonable against the natural justice and thereby direct the respondents to allow the petitioner to continue his poultry farm in the Vadakal Village, Seekkarajapuram Post, Narasingapuram Panchayat, Walaja Taluk, Vellore District.

For Petitioner : Mr.M.V.Muralidaran

For Respondents: Mr.P.Chinnadurai,
Govt. Advocate

O R D E R

The petitioner is running a poultry farm for the past eight years in Vadakal, Seekkarajapuram. However, the petitioner was served with impugned notice calling upon him to vacate the poultry farm within fifteen days from the date of receipt of the said notice. The said order is being challenged before this court by way of this writ petition.

2. Heard Mr.M.V.Muralidaran, learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Government Advocate appearing for the respondents.

3. A perusal of the impugned order would show that the petitioner was already informed orally and therefore the impugned order of closing of the poultry farm has been ordered. It is seen that no written notice has been given to the petitioner and the petitioner's response has not been obtained by the second respondent before passing of the impugned order. Therefore, the impugned order is liable to be set aside and it is accordingly set aside for violation of principles of natural justice. The matter is remanded back to the second respondent directing him to issue notice to the petitioner, within a period of ten days from the date of receipt of a copy of this order, giving two weeks time for the petitioner to reply to the said notice. After receiving reply from the petitioner, the second respondent is directed to pass appropriate order, after hearing the petitioner, within two weeks thereafter.

4. It is seen that the Poultry farm is being run by the petitioner near the village and probably due to health hazard, the second respondent would have issued the impugned order. If it is so and if there is no licence obtained by the petitioner to run the said poultry farm, the second respondent is directed to incorporate the same in the notice and pass appropriate orders.

5. In the result, this writ petition is allowed remanding the matter back to the second respondent. No costs. Consequently, connected Miscellaneous Petitions are closed.

rgr

Sd/-

Assistant Registrar (Judicial)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

1. The Block Development Officer,
Walaja Taluk,
Vellore District.

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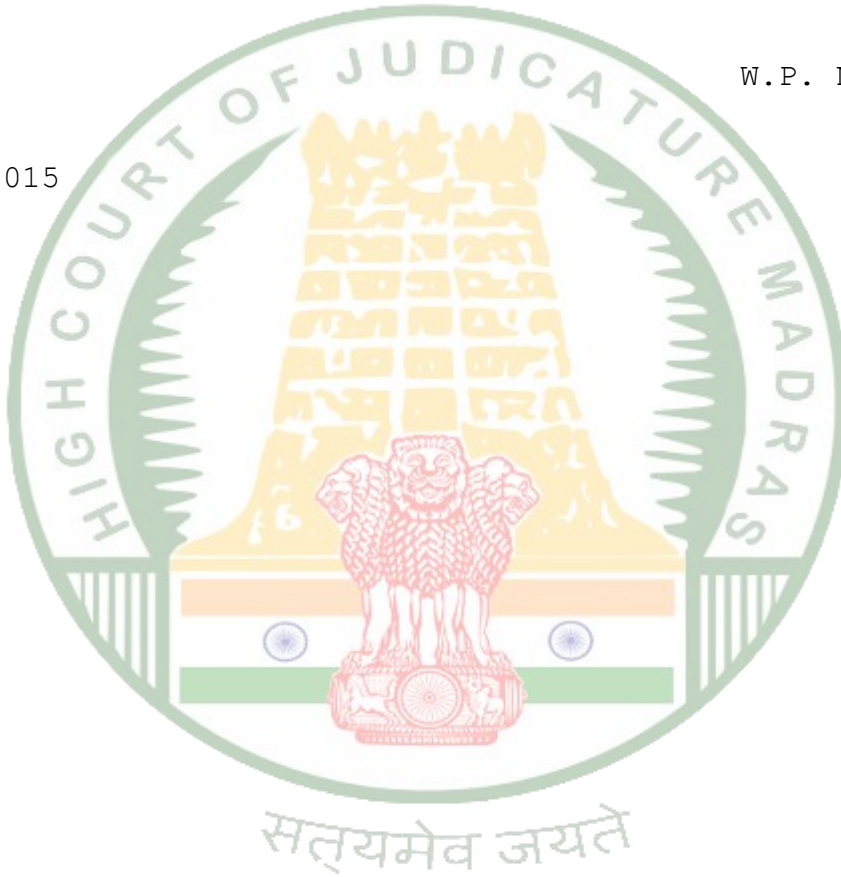
2. The Panchayat President,
Narasingapuram Panchayat,
Seekkarajapuram Post - 632 515
Walaja Panchayat Union,
Vellore District.

+1 C.C. To MR.M.V.MURALIDARAN, Advocate for the petitioner in
SR.NO.51810 of 2015

+1 C.C. To MR.P.CHINNADURAI, Counsel for respondents in
SR.NO.52091 of 2015

W.P. No.29795 of 2015

VGI (CO)
sd : 09/10/2015



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