

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.10063 to 10065 of 2014

W.P.No.10063 of 2014:

PKP Feed Mills Private Limited
rep. by its Managing Director
69, Adhyaman Bypass Road
Dharmapurai. ... Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Deputy Director of Public Health
Dharmapuri.
3. The Block Health Supervisor
Govt. Primary Health Centre
Kadathur, Dharmapuri District. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records of the proceedings of the 3rd respondent dated 1.4.2014 and quash the same and consequently direct the 2nd respondent to issue No Objection Certificate to the Poultry Farm of the petitioner situated at Banniakulam Village, Harur Taluk, Dharmapuri District, pursuant to their application dated 5.2.2013.

W.P.No.10064 of 2014:

PKP Feed Mills Private Limited
rep. by its Managing Director
69, Adhyaman Bypass Road
Dharmapurai. .. Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Regional Joint Director of
Animal Husbandry
Dharmapuri.
3. The District Environment Engineer
Tamil Nadu Pollution Control Board
Hosur, Krishnagiri District.
(Given up)

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the proceedings of the 2nd respondent made in Na.Ka.No.499/A2/2013, dated 1.4.2014 and quash the same.

W.P.No.10065 of 2014:
PKP Feed Mills Private Limited
rep. by its Managing Director
69, Adhyaman Bypass Road
Dharmapurai.

.. Petitioner

vs.

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Revenue Divisional Officer
Harur Revenue Division
Dharmapuri.
3. The Tahsildar
Harur Taluk
Dharmapuri District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari calling for the records of the proceedings of the 2nd respondent made in Na.Ka.No. 638/2013/A3, dated 1.4.2014 and quash the same.

For Petitioner : Mr.Sathish Parasaran
in all writ petitions Senior Counsel
for Mr.S.Ramesh

For Respondents : Mr.R.Vijayakumar
in all writ petitions Addl. Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

These are all petitions in substance seeking to challenge the show cause notice or other proceedings whereby the poultry farm run by the petitioner was to be called upon to be closed down.

2. In our orders passed today in W.P.Nos.12797 and 26926 of 2014, we have directed the issue of the planning permission to be examined in a time bound schedule.

3. The requirement of the petitioner to comply with both the norms of the Pollution Control Board as also the Health Department would in turn depend on whether the planning permission is granted or not.

4. In view of the aforesaid, it is appropriate to direct that once the issue of planning permission is over and in case planning permission is granted, both the said authorities would cause a fresh inspection to be made of the petitioner premises to ensure that it has complied with all the norms and regulations. Needless to say, if the planning permission is not granted, then the poultry farm has to be closed down and this process is not required to be gone through, of course subject to any challenge which the petitioner may lay to the declining of the planning permission, in that eventuality.

These petitions are disposed of accordingly. No costs. Consequently, M.P.Nos.1 of 2014 (3 petitions) are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Deputy Director of Public Health
Dharmapuri.
3. The Block Health Supervisor
Govt. Primary Health Centre
Kadathur, Dharmapuri District.
4. The Regional Joint Director of
Animal Husbandry
Dharmapuri.
5. The Revenue Divisional Officer
Harur Revenue Division
Dharmapuri.
6. The Tahsildar
Harur Taluk
Dharmapuri District.

+1cc to Mr.S. Ramesh, Advocate, S.R.No.66098

sai(CO)
md(29/11/2016)

W.P.Nos.10063 to 10065 of 2014

सत्यमेव जयते

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