



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.16512 of 2016

& WMP(MD)No.12042 of 2016

N.Dhamodharan

... Petitioner

-Vs-.

1.The District Collector,
Madurai District,
Madurai.

2.The Block Development Officer,
Vadipatti Taluk,
Madurai District.

3.The Assistant Director,
Animals Husbandry,
Madurai District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to stop the construction of the proposed Veterinary Hospital at Survey Nos.70/1 and 77/2, Karattupatti Village, Vadipatti Taluk, Madurai District and consequently direct the respondents to change the proposed Veterinary Hospital to some other place, by considering the petitioner's representations dated 04.01.2016, 21.07.2016 and 29.08.2016 and pass further orders as this Court may deem fit and proper.

For Petitioner

:Mr.S.Ayyanar Prem Kumar

For Respondents

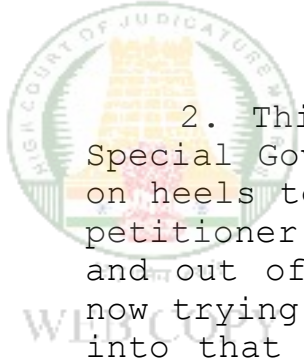
:Mr.C.Selvaraj

Special Government Pleader.

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J)

The writ petitioner seeks a Writ of Mandamus to stop the construction of the proposed Veterinary Hospital in Survey Nos.70/1 and 77/2, Karattupatti Village, Vadipatti Taluk, Madurai District.



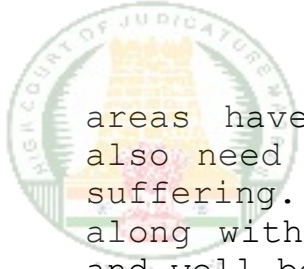
2. This is a Public Interest Litigation. Though the learned Special Government Pleader appearing for the respondents was quick on heels to inform us that there is an allegation against the writ petitioner that he encroached upon the adjoining Government land and out of his own personal interest to protect that land, he is now trying to indulge in this litigation, but, we are not entering into that arena, as different proceedings are liable to be taken out for removal of such encroachments.

3. It would be suffice to note the principal apprehension of the writ petitioner that if the Veterinary Hospital at the land selected by the State is constructed, where there is an Elementary School very close by and there is also an overhead tank very close to the very site and consequently, the villagers could perhaps take this route frequently either for fetching potable drinking water or to bring their children to the School or to collect them back from the School and many children would pass through the same route, wherein the Veterinary Hospital is proposed to be established where infected animals would be brought for treatment and consequently, it would be a source for spreading diseases. The children being vulnerable would contract the diseases easily, is the theory proposed by the writ petitioner.

4. There is no material whatsoever for us to believe that because of the presence of a Veterinary Hospital, the members of the families living therein around would suffer or contract the diseases or the Hospital itself would contaminate the surrounding areas. Even otherwise, a Veterinary Surgeon suspects that the disease suffered by any animal is likely to be spread to others, he would immediately order such measures for either removing the animal from the living place of the village by quarantining it at a far off place and he would also ensure that the necessary measures for prevention of spreading of that disease to all other animals. Therefore, the apprehension of the writ petitioner is absolutely ill-founded, as it is without any basis whatsoever.

5. The learned Counsel for the writ petitioner placed reliance upon the judgment of the Honourable Supreme Court in **Avinash Mehrotra -Vs- Union of India and others** reported in (2009) 6 SCC 398. It is relevant to note that the Honourable Supreme Court has noticed that a flagrant violation of School safety regulations continues in the entire Country and hence, necessary directions were issued for the purpose of adhering to the safety regulations as well as the National Building Code.

6. We are afraid that the judgment of the Honourable Supreme Court is rendered in an entirely different context with regard to the construction of School Buildings which are required to keep ~~an eye on the safety norms of the children~~ That has nothing to do with what kind of activity that should come up in the proximate locality of the school building. Even the animals reared in rural



areas have the requirement of medical attention and hence they also need some facilities to be created to relieve them of their suffering. The Veterinary Hospital now proposed to be established along with a fertility centre as well, would promote the welfare and well-being of the rural farming community.

7. In that view of the matter, we have no hesitation to dismiss this writ petition and impose token costs of Rs.500/- (Rupees Five Hundred only) to be paid by the petitioner to the Mediation and Conciliation Centre attached to this Bench within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous petition is dismissed.

Sd/-
Assistant Registrar (CS I)

/True copy/

Sub Assistant Registrar

TO

1. The District Collector,
Madurai District,
Madurai.
2. The Block Development Officer,
Vadipatti Taluk,
Madurai District.
3. The Assistant Director,
Animals Husbandry,
Madurai District.

Copy to:
The Officer-in-charge,
Mediation and Conciliation Centre,
Madurai Bench of Madras High Court, Madurai.

+2cc to Special Government Pleader SR.No.50066,49403
+1cc to M/s.S.Ayyanar Prem Kumar, Advocate SR.No.49686

sm:PV:16/09/2016:3P/8C

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