

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 26.07.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD)No.19204 of 2014****and****M.P. (MD)No.1 of 2014**

S.Mariyappan

... Petitioner

Vs.

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Block Development Officer,
Munchirai Panchayat Union,
Puthukadai Post,
Kanyakumari District.
3. Kulapuram Village Panchayat,
Kulappuram,
Kanyakumari District,
Rep. By its
Executive Authority.
4. The President,
Kulapuram Village Panchayat,
Kulapuram,
Kanyakumari District.

5.Vijin Vijay

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the 1st impugned proceeding dated 29.10.2014 and 2nd impugned proceeding dated 21.11.2014 signed on 22.11.2014 passed by the 4th respondent and quash the same.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.M.Alagathevan,
Special Government Pleader for R.1
No Appearance for R.2 to R.4
Mr.M.Rajarajan for R.5

**ORDER**

This writ petition has been filed seeking a Writ of Certiorari to quash the first impugned proceedings dated 29.10.2014 and the second impugned proceedings dated 21.11.2014, passed by the fourth respondent herein, vide which there is a resolution to demolish the poultry farm of the petitioner.

2.The brief facts of the case of the petitioner, is as follows:

2.1. The petitioner is running a poultry unit and engaged in the sale of chicken. He established a bio-gas plant, in his poultry premises for disposing of the poultry wastage, which was approved by the competent authority, vide proceedings dated 18.10.2012 and he was also given subsidy by the second respondent for the same, in the year 2012. Thereafter, he applied to the third respondent Panchayat seeking permission to construct a building in his land, for which, he was given approval by the third respondent, vide proceedings dated 18.08.2009, in building plan permission No.7/2009. Subsequently, he applied to the third respondent for constructing a slaughter house in his premises, which was also duly considered and No Objection Certificate was issued by the Veterinary Assistant Surgeon on 08.03.2010, based on which, necessary license for establishing a slaughter house to the petitioner was issued by the third respondent by proceedings dated 04.04.2011.

2.2. While things stood thus, the grievance of the petitioner is that though he is running a poultry unit after getting proper permission from the authorities concerned, the fifth respondent herein - the President of Kulapuram Village Panchayat, Kanyakumari District, with an intention to help a third party, by name, Edwin, was causing trouble to his poultry unit, which resulted in the proceedings dated 15.09.2011, against the petitioner's poultry shop. The petitioner challenged the said proceedings dated 15.09.2011 in W.P.(MD)No.12914 of 2011. This Court, by order dated 14.11.2011, stayed all further proceedings. Later, three writ petitions came to be filed against the petitioner, viz., W.P (MD)Nos.6699 of 2010, 7 of 2012 and 11861 of 2012, which were ultimately dismissed by this Court. Even thereafter also, several litigations have been launched against the petitioner. When that being the position, the present impugned orders came to be passed for demolition of the poultry unit run by the petitioner. Challenging the same, the petitioner is before this Court with the present writ petition.

3. Heard the learned counsel appearing for the petitioner, the Government Pleader appearing for the first respondent and the learned counsel appearing for the fifth respondent. There was no representation for respondents 2 to 4.



4. Though the petitioner has sought for a larger relief, the learned Counsel for the petitioner submitted that the petitioner is inclined to approach the authorities concerned with a fresh representation, pointing out that the poultry unit, which got subsidy from the competent authority, has now been complying with the required environmental conditions.

5. It is also brought to the notice of this Court by the learned Special Government Pleader appearing for the first respondent that the petitioner is still maintaining ecological equilibrium and that there is no illegality caused by the petitioner.

6. Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the petitioner to submit a fresh representation to the second respondent/Block Development Officer, who is said to be the Special Officer, forthwith and on receipt of the same, the second respondent shall consider the same on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Nagercoil,
Kanyakumari District.

+1cc to Special Government Pleader, SR.No.68633.

W.P. (MD) No.19204 of 2014
and
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