



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2017
CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD)No.16831 of 2017
and
W.M.P(MD)No.13419 of 2017

K.Anish Jegan .. Petitioner

Vs.

1.The District Collector
Kanyakumari District at Nagercoil.

2.The Executive Officer
Reethapuram Town Panchayat,
Reethapuram, Kanyakumari District.

3.S.Johnson

4.M.A.Pig Farm
Rep. by its one of the Partner
M.Mahesh Kumar .. Respondents
(R4 impleaded as per order of this Court
dated 14.12.2017 in WMP(MD) No.18142 of 2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to remove the Pig Farm run by the third respondent namely, S.Johnson in Tholukadai Ani Villagam, Chevilai, Palapallam Post Kanyakumari District.

For Petitioner	: Mr.S.Xavier Rajini
For Respondents	: Mr.J.Gunaseelan Muthiah, - for R1 Government Advocate : Mr.S.Kumar - for R2 : Mr.C.K.M.Appaji - for R3

ORDER

This writ petition has been filed seeking a writ of Mandamus to direct the respondents 1 and 2 to remove the Pig Farm run by the third respondent namely, S.Johnson in Tholukadai Ani Villagam, Chevilai, Palapallam Post Kanyakumari Dist.

2. By consent, the writ petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3.In view of the order which is going to be passed, notice to the fourth respondent is dispensed with.



4. The case of the petitioner is that the fourth respondent is running a piggery unit in the land belonging to the third respondent, without obtaining any licence from the second respondent and thereby, causing health hazard to the general public in that locality. The petitioner is not able to tolerate the smell in the air and the entire village people are suffering from various diseases. Therefore, the petitioner submitted a representation dated 23.05.2017 before the respondents 1 and 2 to remove the pig farm, but the same has not been considered so far. Therefore, the petitioner is before this Court.

5. Whereas, the learned Counsel appearing for the respondents submitted that based on the representation given by the petitioner, an enquiry was conducted and the fourth respondent, who is the owner of the Pig Farm had given a letter dated 21.07.2017 undertaking that he would remove the same to some other place within a period of three months.

6. Heard the learned Counsel on either side and perused the materials available on record.

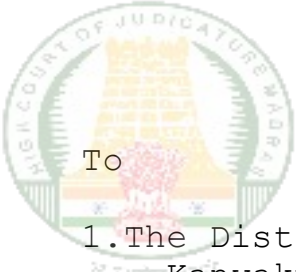
7. It is seen that though the fourth respondent has submitted the undertaking letter dated 21.07.2017, five months' time got elapsed. If the fourth respondent fails to comply with his undertaking, it is for the respondent authorities to take further action.

8. At this juncture, the learned Counsel appearing for the second respondent, on instructions, submits that appropriate action would be taken within a period of four weeks, on the basis of undertaking letter dated 21.07.2017 given by the third respondent.

9. Recording such submission, this writ petition is disposed of, directing the second respondent to take appropriate action against the fourth respondent, within a period of four weeks from today. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/



To

1. The District Collector
Kanyakumari District at Nagercoil.

2. The Executive Officer
Reethapuram Town Panchayat,
Reethapuram, Kanyakumari District.

+1cc to M/S.S.Xavier Rajini, Advocate SR.No. 92809

+1cc to Special Government Pleader, SR.No. 93127

W.P (MD) No.16831 of 2017

(2/2)

14.12.2017

RM

JM/SV MMS/SAR 1/15.12.2017/3P/5C