



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)Nos.14647 and 19625 of 2016

Iyyapazham

... Petitioner in both petitions

-VS-

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The President,
Mondaikkadu Town Panchayat,
Mondaikkadu Post,
Kanyakumari District.
3. The Executive Officer,
Mondaikkadu Town Panchayat,
Mondaikkadu Post,
Kanyakumari District.
4. The Inspector Health,
Muttom, Muttom Post,
Kanyakumar District.

...Common Respondents in both petitions

...4th Respondent in W.P.(MD) No.14647/2016

PRAYER in W.P.(MD) No.14647/2016: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 14.07.2016 and 02.08.2016 and issue license to run the piggery farm in the petitioner's property in Re-sy No.289/13 situated at Kattuvilai, Manavallakurichi Village, Kalkulam Taluk, Kanyakumari District.

PRAYER in W.P.(MD) No.19625/2016: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay a sum of sixty five lakhs towards compensation for removing the petitioner pigs from piggery farm in the petitioners property in Re-sy No. 283/13 situated at Kattuvilai, Manavallakurichi Village, Kalkulam Taluk, Kanyakumari District.



For Petitioner : Mr.D.Christenson Jugunu
in Both Petition
For R1 & R2 : Mr.J.Gunaseelanmuthiah
in Both Petition Govt. Advocate
For R3 & R4 : Mr.M.Alagadevan,
in Both Petition Spl. Govt. Pleader

C O M M O N O R D E R

The petitioner in W.P.(MD) No.14647 of 2016 seeks to direct the respondents to consider the petitioner's representation dated 14.07.2016 and 02.08.2016 and issue license to run the piggery farm in the petitioner's property in Re-sy No.289/13 situated at Kattuvilai, Manavallakurichi Village, Kalkulam Taluk, Kanyakumari District. W.P.(MD) No.19625 of 2016 has been filed, seeking a direction to the respondents to pay a sum of sixty five lakhs towards compensation for removing the petitioner pigs from piggery farm in the petitioner's property in Re-sy No. 283/13 situated at Kattuvilai, Manavallakurichi Village, Kalkulam Taluk, Kanyakumari District.

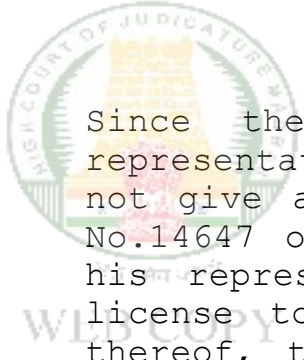
2. Heard the learned counsel on either side.

3. For the sake of brevity, the facts are being taken from W.P.(MD) No.19625 of 2016, in which, it has been stated by the petitioner as under:

i) The petitioner has been running a piggery farm for the past five years and on 15.05.2012, he made an application to the concerned authority seeking permission to run the said piggery farm. The petitioner had also installed a bio gas plant in the year 2013 under the guidance of Kurunthencode block and DRDA for effective disposal of the waste, which is accumulating in the piggery farm.

ii) The petitioner submitted a plan for construction of a piggery farm in the year 2015, which was returned by the third respondent on 01.04.2015 for want of No Objection Certificate from the Forest Department as well as Health Department. Thereafter, the petitioner applied for the same and in the meanwhile, on 30.01.2015, 03.03.2015 and 11.01.2016, the third respondent has given notice under Section 85(56) and (57) of Town and Country Planning Act, 1971.

iii) On 13.07.2016, the second and third respondents along with police authorities came to the petitioner's piggery farm and removed away 400 pigs from there. Immediately, the petitioner made an application dated 14.07.2016 to the authorities, seeking a licence for running the piggery farm.



Since there was no response, the petitioner made another representation on 02.08.2016. Even thereafter, the respondents did not give any reply, which forced the petitioner to file W.P(MD) No.14647 of 2016 for a direction to the respondents to consider his representations dated 14.07.2016 and 02.08.2016 and issue license to run the piggery farm in his property. In addition thereof, the petitioner also sent yet another representation to the respondents requesting them to return the pigs taken from him or to pay compensation. Since none of the representations evoked any response, the present writ petitions have been filed.

4. Learned counsel for the petitioner has submitted that though the petitioner has sought for the larger relief to the extent of payment of compensation for taking away his pigs, the learned counsel for the petitioner has, however restricted his relief stating that it would suffice, if the representation dated 14.07.2016 submitted by the petitioner may be directed to be considered by the first respondent with a time frame to be fixed by this Court, which is the relief sought for in the writ petition in W.P.(MD) No.14647 of 2016.

5. The learned Government advocate appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the respondent 3 and 4 have contended that if a reasonable time is granted to the first respondent / District Collector, appropriate orders will be passed on the representation of the petitioner.

6. In view of the above submissions and also considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 14.07.2016 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, both these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To:

<https://hcservices.hccourt.gov.in/hcservices>
The District Collector, Kanyakumari District,
Nagercoil.



2. The President,
Mondaikkadu Town Panchayat,
Mondaikkadu Post,
Kanyakumari District.

3. The Executive Officer,
Mondaikkadu Town Panchayat,
Mondaikkadu Post,
Kanyakumari District.

4. The Inspector Health,
Muttom, Muttom Post,
Kanyakumar District.

+2CC to Mr.D.Chriptenson Jugunu, Advocate, SR.No.68581, 67756
+1CC to the Special Government Pleader SR.No. 67971

W.P(MD)Nos.14647 and 19625 of 2016
27.07.2017

skn/ar/rm
AM/MR KKR/SAR 2/04.08.2017/4P/8C