

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2018

C O R A M :

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.23802 of 2018

S.Mayilathal

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
Erode District.
2. The Commissioner,
Erode City Municipal Corporation,
SH-96, Brough Road,
Erode - 638 001.
3. The Block Development Officer,
O/o. The Block Development Office,
Chennimalai Panchayat Union,
Chennimalai, Erode District.
4. The Deputy Director (Health Department),
Government Hospital Complex,
Erode - 638 001.
5. Palanisamy Gounder

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to take appropriate action against the 5th respondent in accordance with the Tamilnadu District Municipalities Act, 1920 and the Public Health Act, 1939, within a timeframe.

For Petitioner: Mr.T.Arockia Dass

For M/s.Dass and Viswa Associates

For Respondents: Mr.V.Prabhu,

Government Advocate for R1,

Mr.M.Rajamathivanan for R2,

Mr.M.Jothikumar,

Additional Government Pleader
for R3.

O R D E R

The writ petition has been filed seeking direction to the respondents 2 to 4 to take action against the 5th respondent under the Tamilnadu District Municipalities Act and the Public Health Act.

2. The grievance of the petitioner is that, the 5th respondent putting up a Poultry farm without obtaining any permission from the concerned authorities. If the Poultry farm is permitted it will cause health hazards to the nearby residents and it would also spread infectious diseases. In such circumstances she made an representation to the Pollution Controlling Board, based on her representation, the Pollution Control Board also directed the 3rd and 4th respondents to take appropriate action against the 5th respondent, despite the same no action has been taken. Hence, the present writ petition has been filed.

3. Earlier notice was ordered to the respondents.

4. Today, the learned Counsel appearing for the 5th respondent submitted that already the petitioner has filed an application before the 3rd respondent and also to the Pollution Control Board, and the applications are still pending, and the 5th respondent is not taking any action to construct the Poultry farm with obtaining permission from the concerned authorities.

5. The learned counsel appearing for the 3rd respondent also submitted that they have received application from the petitioner which is under consideration.

6. Considering the above circumstances, the application filed by the petitioner is pending before the 3rd respondent, the 3rd respondent is directed to consider the petitioner's application and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner as well as the 5th respondent. It is always open to the petitioner to raise her objection at the time of enquiry being conducted by the 3rd respondent.

7. The writ petition is disposed of with the above directions. No costs.

msvm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Office of the Collectorate,
Erode District.
2. The Commissioner,
Erode City Municipal Corporation,
SH-96, Brough Road,
Erode - 638 001.
3. The Block Development Officer,
O/o. The Block Development Office,
Chennimalai Panchayat Union,
Chennimalai, Erode District.
4. The Deputy Director (Health Department),
Government Hospital Complex,
Erode - 638 001.

+1cc to Mr.M.Rajamathivanan, Advocate, S.R.No.76875
+1cc to M/s.Dass & Viswa Associates vide, S.R.No.76873
+1cc to Mr.K.Myilsamy, Advocate, S.R.No.76823 (10/01/2019)

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kak(09/01/2019)



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