



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.12.2018

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24584 of 2018

K.Shanmuganathan

..Petitioner

Vs

1.The District Collector,
Collectorate, Trichy District,
Trichy.

2.The Assistant Director(Panchayat Union),
Collectorate, Trichy,
Trichy District.

3.The Block Development Officer/
Special Officer, Serkudi Panchayat,
Thathaiyangarpettai Panchayat Union,
Musiri Taluk,
Trichy District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to grant permission to the Petitioner to run the poultry farm in Nadar Colony, Serkudi Village, Thathaiyangar pettai, Tiruchirappalli District and to grant building Plan permission for the construction of Poultry farm by considering the representation of the Petitioner, dated 12.4.2018 and 29.11.2018.

For Petitioner :Mr.R.Maheswaran

For Respondents :Mr.V.Anand

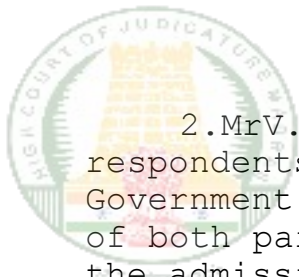
1 and 2 Government Advocate

For Respondent-3 :Mr.P.Kannidevan,

Additional Government Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the third respondent to grant permission to the Petitioner to run the poultry farm in Nadar Colony, Serkudi Village, Thathaiyangar pettai, Tiruchirappalli District and to grant building Plan permission for the construction of Poultry farm by considering the representation of the Petitioner, dated 12.4.2018 and 29.11.2018.



2.MrV.Anand, learned Government Advocate takes notice for the respondents 1 and 2 and Mr.P.Kannidevan, learned Additional Government Pleader takes notice for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

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3.The case of the Petitioner is that he has an intention to start a poultry business in the name and style of 'Vijay Kozhipannai' in the property situated in S.No.12/1, 12/3, 13/1G and 13/3 of Serkudi Village, Thathaiyangarpettai, Tiruchirappalli. Accordingly, the Petitioner submitted documents for issuing building plan approval by the third respondent. Along with the application for building plan approval, the Petitioner has also made an application to grant permission for construction of poultry farm on 12.4.2018. On receipt of the above said application, the third respondent by proceedings, dated 5.6.2018 asked the Petitioner to submit four documents. Immediately on 7.6.2018, the Petitioner submitted all the documents and details required by the third respondent. Till date, the said application was not processed and the third respondent has not passed any orders on his application. Only after getting building plan approval from the third respondent, the Petitioner can start the building work and that the Petitioner has proposed to construct the said building by obtaining loan and hence he finds it difficult to start the work without passing any orders granting permission by the third respondent. Hence the Petitioner is before this Court for the relief stated supra.

4.It could be seen that the Petitioner has obtained 'No Objection Certificate' from the Pollution Control Board, Fire and Safety Department and Health Department. The learned Additional Government Pleader appearing for the third respondent would submit that the local village people are objecting for establishing a poultry farm in that locality. Hence the Petitioner can submit a representation to the first respondent and it is the first respondent who can give permission to construct a poultry farm.

5.After hearing both parties, this Court is of the opinion that the authorities concerned has to pass an order whether the Petitioner can start the poultry farm or not. Hence the respondent concerned has to decide the request of the Petitioner by granting permission or rejecting the same, as per the enquiry conducted and after considering the documents, whether the Petitioner's claim can be considered or not. Since the representations are pending for a long time, it is for the first respondent or other respondents to consider the representations of the Petitioner, dated 12.4.2018 and 29.11.2018 after affording an opportunity of hearing to the petitioner and other interested parties, if any and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



6. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

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/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Collectorate, Trichy District,
Trichy.
 2. The Assistant Director(Panchayat Union),
Collectorate, Trichy,
Trichy District.
 3. The Block Development Officer/
Special Officer, Serkudi Panchayat,
Thathaiyangarpettai Panchayat Union,
Musiri Taluk,
Trichy District.
- +1cc to Special Government Pleader, SR.No.100413
+1cc to Mr.R.Maheswaran Advocate in SR.No.100219

W.P(MD)No.24584 of 2018
13.12.2018

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