

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.16683 of 2011

ORDER:

The relief sought for in this writ petition is to declare the action of the official respondents, in granting permission to the 4th respondent to construct a poultry shed in the middle of the residential area at Chandravaram Village, Chagollu Mandal, West Godavari District, as illegal, arbitrary and contrary to the provisions of the Panchayat Raj Act and the law laid down by this Court in W.P.No.11777 of 2010 dated 20.12.2010. The petitioner's grievance is that permission was granted by the Gram Panchayat, to the 4th respondent, to construct a poultry shed in the midst of a residential locality, in violation of the order passed by a Learned Single Judge of this Court in W.P.No.11777 of 2010 dated 20.12.2010.

It is now conceded, across the bar, by Sri K.Ratna Sagar, learned counsel appearing on behalf of the petitioner, that the order in W.P.No.11777 of 2010 dated 20.12.2010 does not relate to the petitioner's poultry farm but, in similar circumstances, this Court had directed the petitioners therein to shift their unit.

In the case before the Learned Single Judge in W.P.No.11777 of 2010, the order of the Gram Panchayat dated 15.05.2010, directing the petitioners therein to remove the poultry sheds, was under challenge. In the present case, the petitioner questions the action of the Gram Panchayat in granting permission to the 4th respondent to construct a poultry shed. It is evident, therefore, that reliance placed by the petitioner on the order in W.P.No.11777 of 2010 dated 20.12.2010 is misplaced.

In the counter-affidavit, filed by the Panchayat Secretary, it is stated that, on enquiry, it was found that there were some deviations in

the constructions made by the 4th respondent; the 4th respondent was directed to construct a compound wall with a height of 15 feet to control pollution, to use fertilisers to control the bad smell, and to construct a drainage for free flow of waste material; and, in so far as the deviations made by the 4th respondent are concerned, the District Panchayat Officer had imposed penalty under Rule 33 of G.O.Ms.No.67 dated 26.02.2002. It is further stated that the 4th respondent had also filed W.P.No.4545 of 2012.

While it is not clear from the order as to whether the directions issued by the Gram Panchayat have been complied with by the 4th respondent, suffice it dispose of the Writ Petition directing the 4th respondent, in case the earlier order of the Gram Panchayat has not yet been complied with, to construct a compound wall with a height of 15 feet to control pollution, to use fertilisers to control bad smell, and to construct a drainage for free flow of waste material. These directions shall be complied by the 4th respondent within three months from today. In case the 4th respondent does not comply with the aforesaid directions, within three months from today, it is open to the Gram Panchayat to proceed against the 4th respondent, for closure of their unit, in accordance with law.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

23rd February, 2018
JSU

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Date: 23.02.2018

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