

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated 04.02.2019

CORAM
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31760 of 2018
and
W.M.P.No. 36980 of 2018

Hemanth Poultry Farms Pvt. Ltd.,
Rep. by its Managing Director,
V.Subramaniam,
S/o.Vangili Goundar,
3/88-1A, MG Nagar,
Mohanur Road,
Namakkal 637 001.

...Petitioner

Vs.

Joint Director,
Department of Agriculture,
Office of the District Collectorate,
Krishnagiri,
Krishnagiri District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus to call for the records of the order passed by the respondent in Letter No.El/8032/2018 dated 04.10.2018 and to quash the same and consequently direct the respondent herein to re-inspect the proposed land for issuance of "prior concurrence report" for change of land use from agriculture to non-agriculture purpose by following the due procedure envisaged under the "The Tamil Nadu Change of Land Use (From Agriculture to Non-Agriculture Purposes in Non-Planning Areas) Rules, 2017" by giving prior notice of date of re-inspection to the petitioner.

For Petitioner : Mr.S.Senthil

Respondent : Mr.R.Govindasamy
Special Government Pleader and
Mr.A.Vijay Prasanth, AGP

O R D E R

The petitioner is aggrieved against the order of the respondent dated 04.10.2018 in rejecting their request for granting No Objection Certificate for establishing a poultry farm at the property referred to in the impugned proceedings.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondent.

3.The only reason stated in the impugned order is that there were standing trees in the subject matter properties and thus, the respondent cannot grant the No Objection Certificate. However, the learned counsel for the petitioner submitted that all the standing trees were already removed and to that effect, a Certificate was also issued by the Village Administrative Officer. Therefore, he contended that there cannot be any impediment for the respondent to inspect the subject matter property once again and consider the request of the petitioner for grant of No Objection Certificate. Since the impugned order was passed only on the reason that there were standing trees on the subject matter property and since it is stated that those trees were already removed, it is for the respondent to make one more inspection of the subject matter property and pass appropriate orders on the petitioner's application seeking for No Objection Certificate.

4. Accordingly, this writ petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the respondent for considering the application of the petitioner dated 20.09.2018 and pass orders on the same on merits and in accordance with law, after making fresh inspection of the subject matter property. Such exercise shall be done by the respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vri

To

Joint Director,
Department of Agriculture,
Office of the District Collectorate,
Krishnagiri,
Krishnagiri District.

+1cc to Mr.S.Senthil, Advocate, S.R.No.10055
+1cc to the Government Pleader, S.R.No.10264

W.P.No.31760 of 2018

GJ(CO)
rrs 27/02/2019