



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2019

CORAM

THE HON'BLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 2660 of 2019 and
WMP (MD) .No.2004 of 2019

Ponnuchamy

: Petitioner

Vs.

The Special Officer,
K.Kallikudi Panchayat Cum
Block Development Officer,
(East Panchayat Union),
Manikandam, Trichy District.

: Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings issued by the respondent in Na.Ka.No.A4/0288/2019 dated 28.01.2019 and quash the same.

For Petitioner : Mr. B. Jameel Arasu
For Respondent : Mr.M. Rajarajan
Government Advocate

O R D E R

Heard the learned counsel on either side.

2. The petitioner is running a Animal Farm at Poonugudi, East Street, Bhaganoor Town, Trichy District. The residents of the locality appear to have lodged a complaint against running of the Pig Farm by the Writ Petitioner. Therefore, the respondent has issued impugned communication dated 28.01.2019, calling upon the Writ Petitioner to remove said Farm within a week. The same is challenged in this Writ Petition.

3. The learned counsel appearing for the Writ Petitioner contended that the impugned order is liable to be set aside on the sole ground that it has not been preceded by any notice.

4. Though any contentions founded on the violation of principles of natural justice, will be formidable in this case, I am inclined to apply the useless formality theory. It is not in dispute that the petitioner has not obtained any licence to run Pig Farm as per the rules issued vide G.O.Ms.No.174, Rural Development (C-I) Department, issued on 23.08.1996 (the Tamil Nadu Panchayats Licensing of Pigs and Destruction of Unlicensed or infected Pigs) Rules, 1996. The said Rules clearly contemplate submission of



application for licence. Only a licensed individual can run a pig Farm. In this case, the Writ Petitioner has not obtained any licence, and hence, on this sole ground, the Writ Petition has to be dismissed as not maintainable.

5. The learned counsel appearing for the Writ Petitioner pointed out that the petitioner has been running the Farm in question for almost 18 years. He is having around 175 Pigs (both big and small) in the Farm. The petitioner is finding it difficult to shift them over night. He, therefore, pleads that if the reasonable time is given to the petitioner, he would be able to comply with the order impugned in the Writ Petition. I find the said request is reasonable. The petitioner counsel on instructions states that he would shift all pigs within a period of three months.

6. The learned counsel further undertakes that he would not submit any application seeking extension of time. Even if such an extension application is filed, the same will have to be necessarily dismissed, because the petitioner is not having any licence for the Pig Farm. It is noted that in the Farm in question there are also some cattles and birds. The order impugned in the Writ Petition will be enforced only in respect of the Pigs.

7. With this clarification and directions, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

trp

To

The Special Officer,
K.Kallikudi Panchayat Cum
Block Development Officer,
(East Panchayat Union),
Manikandam, Trichy District.

+1CC TO MR.B.JAMEEL ARASU, Advocate Sr. No. 53329

W.P. (MD) No. 2660 of 2019 and
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