



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.12182 of 2020

and

W.M.P. (MD)No.10470 of 2020

WEB COPY

K.Karuppasamy

... Petitioner

Vs.

1. The Block Development Officer (Village Panchayat)  
Sankarankovil,  
Tenkasi District.

2. K.Ramraj Thevar

... Respondents

**Prayer:** Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order vide office proceedings in Na.Ka.No.A4/1384/17 on the file of the first respondent dated 09.09.2019 and quash the same.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.R.Karunanidhi            |
| For R1         | : Mr.M.Rajarajan              |
|                | Additional Government Pleader |

### **O R D E R**

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the first respondent.

2.The second respondent herein had earlier filed W.P.(MD) No.8204 of 2017 and by order dated 17.07.2020, the following order was passed by me.

"3.The second respondent has given written instructions vide Na.Ka.No.M3/917/2020, dated 17.07.2020 that poultry farm has not been permitted by the local body to be run. If that be so, it is the duty of the second respondent to take action in accordance with law. The second respondent, of course, has to put the sixth respondent and other interested parties on notice before taking final action. Mandating the second respondent to take action as per law on the petitioner's representation and direct him to conclude the same, within a period of eight (8) weeks which will commence from the date of lifting the lock down, the writ petition is disposed of accordingly."



3.In my order, I had specifically stated that the first respondent will hear the petitioner herein before passing any order. But misconstruing my order as a positive direction to remove the poultry farm, the impugned order has been passed. Since violation of the direction given by me is so apparent, the same is quashed. The matter is remitted to the file of the first respondent to pass order afresh in accordance with law. The first respondent will put the petitioner on notice and only thereafter, take action as per law. My order will not be misconstrued as a positive direction to remove the poultry farm in question.

4.With this clarification, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Block Development Officer (Village Panchayat)  
Sankarankovil,  
Tenkasi District.

+1 CC to the SPL GP SR-17729.

**W.P. (MD)No.12182 of 2020**

**21.09.2020**

SS (CO)

CS (05.10.2020) 2P 3C