



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. (MD) No.14906 of 2020

(Through Video Conference)

WEB COPY

D.Sunil

... Petitioner

Vs.

- 1) The District Collector,
Kanyakumari District,
Nagercoil.
- 2) The Panchayat President,
Manjalumoodu Panchayat,
Manjalumoodu Post,
Kanyakumari District.
- 3) The Block Development Officer,
Melpuram Panchayat Union,
Melpuram Post, Kanyakumari District.
- 4) The Deputy Director of Health,
Krishnankovil, Nagercoil Post,
Kanyakumari District.

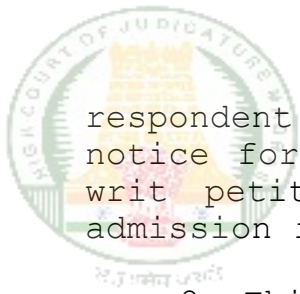
... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 01.08.2018 and 07.09.2020 and issue license to run the piggery farm in the petitioners property in Re-sy No.503/3 situated at Noolukuzhi Road, Ithulli Karode post, Arumanai village, Vilavancode Taluk , Kanyakumari District.

For Petitioner	: Mr.D.Christenson Jugunu
For RR 1 & 4	: Mr.M.Rajarajan, Additional Government Pleader.
For R2	: Mr.N.Dilipkumar, Standing Counsel.
For R3	: Mr.P.Mahendran, Additional Government Pleader

O R D E R

Mr.M.Rajarajan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 4, Mr.P.Mahendran, learned Additional Government Pleader accepts notice for the third



respondent and Mr.N.Dilipkumar, learned standing counsel accepts notice for the second respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representations dated 01.08.2018 and 07.09.2020 and issue license to run the Piggery Farm in the petitioner's property in Re-sy No.503/3 situated at Noolukuzhi Road, Ithulli Karode post, Arumanai village, Vilavancode Taluk , Kanyakumari District.

3. It is the case of the petitioner that he has taken the aforementioned property on lease from one X.Prasilin Jeba for a period of five years. According to him, he has been running the Piggery Farm in the aforementioned property for the past four years. It is the further case of the petitioner that there are no residential buildings situated within two kilometers radius from the property and hence, there is no restriction for running the Piggery Farm in the said property. It is also his case that, he has been maintaining the Piggery Farm in clean and hygienic manner and veterinary doctors are regularly attending the said farm every two months.

4. According to the petitioner, he had submitted an application dated 01.08.2018 to the Authorities, seeking for the license to run the Piggery Farm. It is the case of the petitioner that after receiving his application, the respondents did not give any reply. One more reminder was sent by the petitioner on 07.09.2020 with regard to his license application. According to the petitioner, both the representations dated 01.08.2018 and 07.08.2020 seeking for issuance of license for running a Piggery Farm have not been considered by the respondents till date. In such circumstances, this writ petition has been filed.

5. The relief sought for in this writ petition is an innocuous relief. The petitioner seeks for issuance of a license to run the Piggery Farm and he has given representations on 01.08.2018 and 07.08.2020 to the respondents which has not been considered till date. It is for the respondents to consider the application submitted by the petitioner on merits and in accordance with law.

6. For the forgoing reasons, this Court directs the respondents 2 to 4 to consider the petitioner's representations dated 01.08.2018 and 07.09.2020 seeking for issuance of a license to run a Piggery Farm in his property in Re-sy No.503/3 situated at Noolukuzhi Road, Ithulli Karode post, Arumanai village, Vilavancode Taluk , Kanyakumari District and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

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.

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To:

- 1) The District Collector,
Kanyakumari District,
Nagercoil.
- 2) The Panchayat President,
Manjalumoodu Panchayat,
Manjalumoodu Post,
Kanyakumari District.
- 3) The Block Development Officer,
Melpuram Panchayat Union,
Melpuram Post, Kanyakumari District.
- 4) The Deputy Director of Health,
Krishnankovil,
Nagercoil Post,
Kanyakumari District.

+1 CC to the SPL GP SR-20788.

+1 CC to Mr.N.DILIP KUMAR, Advocate SR-20753.

Order made in

W.P. (MD) No.14906 of 2020

Dated:

29.10.2020

SVN(CO)

CS(23.11.2020) 3P 7C