



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10280 of 2021

T.M.Palanisamy

... Petitioner

-vs-

1. The District Collector
Tiruppur District,
Tiruppur.
2. Padmasri
3. Suganthi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent herein to restrain the respondents 2 and 3 herein from putting up poultry farm in survey No.217/1B, 2A1, 2A2, 2E and 218/1C2, 1C1 of Punjai Thalavaipalayam Village, Uthukuli Taluk, Tirupur District and cancel any such permission granted by the Authority for putting up of the poultry farm within the time frame stipulated.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader for R1

ORDER

This writ petition has been filed, seeking a direction to the first respondent herein to restrain the respondents 2 and 3 herein from putting up poultry farm in survey No.217/1B, 2A1, 2A2, 2E and 218/1C2, 1C1 of Punjai Thalavaipalayam Village, Uthukuli Taluk, Tirupur District and cancel any such permission granted by the authority for putting up of the poultry farm within the time frame stipulated.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice for R1. Notice to R2 and R3, who have been impleaded in their personal capacity, is dispensed with, as no adverse orders are going to be passed against them in this writ petition.

3. According to the petitioner, he is a resident of Uthukuli



Taluk, Tiruppur District. The petitioner came to know that the respondents 2 and 3 have purchased property in Survey No.217/1B, 2A1, 2A2, 2E and 218/1C2, 1C1 in Thalavaipalayam Village and started construction for setting up poultry farm. There are above 1100 families living in and around Punjai Thalavaipalayam village. As setting up of poultry farm will affect the livelihood in the locality, the petitioner made a representation to the Pollution Control Board setting out the damages that may be caused to the common public and the cattle in and around the proposed poultry farm and also stated that water and air will get polluted and the waste arising out of the poultry farm will pave for health hazards. To that effect a resolution was also passed by Punjai Thalavaipalayam Panchayat. In spite of it, the 2nd and 3rd respondents continued to put up construction. Hence the petitioner sent a representation dated 01.03.2021 to the first respondent to prevent setting up of poultry farm. Since there was no response the petitioner has filed the present writ petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the first respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the first respondent herein to consider the representation preferred by the petitioner dated 01.03.2021, if already not disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing, filing written submissions and production of evidence to the petitioner, R2, R3 and other persons, if any, who are likely to be affected as well as making written submissions to produce evidence in support of their case, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the first respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if



any, etc., along with a copy of the representation dated 01.03.2021 and this order, to the first respondent forthwith;

v) The first respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

s/d-
Assistant Registrar(CS)

True Copy

Sub-Assistant Registrar

dpq

To

The District Collector
Tiruppur District,
Tiruppur.

+lcc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No.25382
+lcc to the Government Pleader, S.R.No.25665

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PCH(CO)
SU(29/07/2021)