



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1127 of 2022

S.S.Murugesan

...Petitioner

Vs.

1. The Government of Tamilnadu
By its Secretary,
Forest Department and Environments,
Secretariat, Chennai.
2. The Managing Director,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.
3. The District Collector,
Namakkal.
4. The District Engineer,
Tamil Nadu Pollution Control Board,
Namakkal Taluk and District.
5. The Joint Director (Animal Husbandry)
Namakkal Taluk and District.

6. T.S.Sekar

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 to 5 respondents to take action against the sixth respondent on the basis of petitioner representation dated 20.10.2021.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mrs.C.Sangamithirai for R1 to R5
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 to 5 to take action against the sixth respondent on the basis of the petitioner's representation dated 20.10.2021.



2.The case of the petitioner is that the petitioner is owning agricultural land in Thanathampatti and Navamani Village and the sixth respondent is the neighbouring land owner. As per the Central Pollution Control Board, (Ministry of Environment, Forest and Climate Change, Government of India) Guidelines, the sixth respondent should construct his poultry farm 100 feet away from the petitioner's land, however, the sixth respondent has started to construct a poultry farm in his land leaving space of only 10 feet from the boundary of the petitioner's land. In this regard, the petitioner made representation to the official respondents and since the same has not yet been considered, has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the fourth respondent to consider the petitioner's representation dated 20.10.2021 and to pass appropriate orders within a reasonable time frame.

4.The learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the petitioner's representation will be considered and after hearing the sixth respondent, appropriate orders will be passed.

5.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 to 5. Since this Court is not inclined to pass any adverse order as against the sixth respondent, notice to the sixth respondent is dispensed with.

6.In view of the consent view expressed by the learned Special Government Pleader appearing for the respondents 1 to 5, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 20.10.2021, on merits and in accordance with law and after affording any opportunity of hearing to the sixth respondent shall pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Forest Department and Environments,
Secretariat, Chennai.
2. The Managing Director,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.
3. The District Collector,
Namakkal.
4. The District Engineer,
Tamil Nadu Pollution Control Board,
Namakkal Taluk and District.
5. The Joint Director (Animal Husbandry)
Namakkal Taluk and District.

+1cc to M/s.S.Muthukrishnan, Advocate, S.R.No.6138

+1cc to the Government Pleader, S.R.No.6488

W.P.No.1127 of 2022

PMK(CO)
RGA(07/03/2022)