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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

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THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.15369 of 2022 and WMP.No.14525/2022

T.S.Sekar

... Petitioner

-vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Namakkal Taluk and District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the 1st respondent to grant consent to the petitioner for running the poultry sought in his Offline application dated 14.02.2022 and Online Application dated 26.02.2022.

For Petitioner : Mr.V.Raghavachari
for M/s.Sheik Thanveer Ahamed

For Respondents : Mrs.Shanmugavalli Sekar
Standing Counsel for TNPCB

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to grant consent to the petitioner for running a poultry, sought in his Offline application dated 14.02.2022 followed by the Online Application dated 26.02.2022.

2. Learned Counsel appearing for the petitioner would submit that one S.S.Murugesan came to this Court by filing W.P.No.1127/2022 seeking for consideration of his representation against setting up of the poultry farm by the petitioner herein



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with false averements and he has also misrepresented before this Court that the distance between the poultry farm and the boundary should be 100 feet as per the guidelines of the Pollution Control Board, however, as per the guidelines, the distance between the poultry and the boundary shall be only 10 metres. This Court disposed of the said Writ Petition by an order dated 01.02.2022 thereby giving a direction to the 4th respondent therein, namely, the District Engineer, Tamil Nadu Pollution Control Board, Namakkal Taluk and District, to consider the petitioner's representation dated 20.10.2021 on merits and in accordance with law and after affording an opportunity of hearing to the 6th respondent therein/the petitioner herein. The 2nd respondent herein also, pursuant to the said direction conducted an inspection and issued a show cause notice dated 08.02.2022 to the petitioner and an explanation dated 12.02.2022 was also given by the petitioner to the said notice. Thereafter, there was no response from the 2nd respondent herein.

3. Learned Counsel for the petitioner would further submit that since the poultry farm has yet to commence its activities and the petitioner wanted to run the said poultry farm after getting all necessary permissions from the authorities concerned, he has been approaching the 2nd respondent seeking approval on the basis of his representation dated 14.02.2022. But, till date, for the reasons best known to the 2nd respondent herein, no inspection has been conducted. He would also submit that the distance between the petitioner's poultry farm and the place of S.S.Murugesan is more than 10 mts. Therefore, if any inspection is made by the 2nd respondent, the facts of the case made by S.S.Murugesan and the petitioner would be brought to light based on which the 2nd respondent can grant approval to the petitioner for starting the poultry farm. The learned Counsel would further submit that keeping in mind the G.O.Ms.No.122, Department of Animal Husbandry, Dairying and Fisheries (Poultry) dated 30.09.2009, the poultry was constructed by the petitioner and for a poultry farm having more than 5000 birds, approval from the Department of Animal Husbandry and State Pollution Control Board are required. Therefore, since the petitioner is having birds between 5000-25000 in his poultry, he has sent his Offline application on 14.02.2022 and the Online Application on 26.02.2022 to the 2nd respondent herein seeking approval only to start the poultry. Hence, suitable direction may be issued, he pleaded.

4. Considering the facts and circumstances of the matter, without going into the merits of the claim made by the petitioner, we hereby direct the 2nd respondent to consider the Offline application dated 14.02.2022 and the Online Application dated 26.02.2022 of the petitioner and dispose of the same in



the manner known to law.

5. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
Tamil Nadu Pollution Control Board,
Guindy, Chennai.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Namakkal Taluk and District.

+1cc to Mr.S.Sheik Thanveer Ahamed, Advocate, S.R.No.37735
+1cc to Mr.Shanmugavalli, Advocate, S.R.No.37551

W.P.No.15369 of 2022

SV(CO)
SB(04/07/2022)