



W.P.No.25438 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.25438 of 2019

R.Jeyabal

.. Petitioner

Vs.

1. The Principal Secretary to Government
Housing and Urban Development Department
Secretariat, Chennai.
2. The District Collector
Office of the District Collector
Collectorate Building
Coimbatore District
Coimbatore 641 018.
3. The Deputy Director of Town and Country Planning
Office of the Deputy Director of Town and Country Planning
Corporation Commercial Complex Building
Dr.Nanjappa Road
Coimbatore 641 018.
4. Revenue Divisional Officer
Office of the Revenue Divisional Officer
Pollachi Taluk
Coimbatore District 642 001.



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5. The Block Development Officer
Office of the Block Development Officer
Pollachi South Union
Pollachi Taluk
Coimbatore District 642 001.
6. The Special Officer/Block Development Officer
Veeralapatty Village Panchayat
Veeraapatty Village Panchayat Office
Pollachi South Union
Pollachi Taluk
Coimbatore District 642 001.

7. R.Vimaladevi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records of the first respondent made in proceedings in Letter No.9985/UD4(3)/2018-3 dated 26/02/2019 and quash the same and consequently, direct the respondents 1 to 6 to strictly implement the provisions of the Tamil Nadu Combined Development and Building Rules, 2019 thereby forbearing the respondents 7th respondent from constructing the poultry farm in the place of S.F.Nos.84/1A, 84/1B, 85/A2A, 85/A2C, 83/A5, 83/B2, Veeralpatti Village, Pollachi Taluk, Coimbatore District without obtaining the approval from the relevant provisions of Act and Rules made thereunder.

For the Petitioner : Mr.N.Umapathi

For the Respondents : Mr.T.Saravanan
Government Advocate
for Respondents 1 to 6

Ms.Shrivarshini
for Mr.I.Abrar Md. Abdullah
for Respondent-7



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ORDER
(Made by the Hon'ble Chief Justice)

We have heard Mr.N.Umapathi, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate for the respondents 1 to 6 and Ms.Shrivarshini, learned counsel for Mr.I.Abrar Md. Abdullah, learned counsel for the seventh respondent.

2. Learned counsel for the petitioner submits that the seventh respondent is running a poultry farm and has constructed a shed without obtaining permission. The said construction is illegal and deserves to be removed.

3. The third respondent has relied upon the definition of agriculture under Section 2(1) of the Tamil Nadu Town and Country Planning Act, 1971. Livestock breeding is also included in the agriculture. Further, obtaining permission is not necessary.

4. In case, running of a poultry farm requires some permission



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under a particular statute, then, it is for the petitioner to agitate in respect of the same before the appropriate authority.

5. Learned counsel for the seventh respondent submits that when the seventh respondent has applied for necessary permission from the Pollution Control Board, the Pollution Control Board, by letter dated 13.11.2017, informed that consent is not necessary as the poultry farm has less than one lakh birds.

6. In the light of that, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.24968 and 24969 of 2019 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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