



W.P.No.34116 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :31.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.34116 of 2022

M/s. Sakthi & Co,
Represented by its partner V. Sakthivel,
54, Exserviceman Colony,
Bhavani Sagar, Bhavani Sagar Block,
Erode – 638451.

...Petitioner

Vs.

1.The Assistant Director of Panchayats,
Erode District, Erode

2.The Konamalai Panchayat,
Represened by its Executive Officer,
Konnamalai Panchayat Office,
Sathyamangalam Taluk,
Erode District

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent panchayat herein culminating in the impugned rejection order dated 11.10.2022 and quash the same and consequently direct the 2nd respondent panchayat to consider the Application 16.8.2022 for grant of



W.P.No.34116 of 20__

licence for running fish stall of the petitioner situated at Gandhinagar, Konamalai Panchayat, Sathyamangalam Taluk, Erode District based in Form-I as per Rule 4(1) of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999.

For Petitioner	: Mr.M. Santhanaraman
For Respondent 1	: Mr.S.Anitha, Special Government Pleader
For respondent 2	: Mr. P.Sanjay Gandhi, Government Advocate

ORDER

The writ petition is filed challenging the order passed by the 2nd respondent rejecting the application submitted by the petitioner seeking license for running a retail fish shop.

2.The learned counsel for the petitioner submitted that when the petitioner applied for license for running a retail fish shop, the respondent mistook it as he applied for running a shop in a public place belongs to the 2nd respondent Panchayat. The learned counsel by taking this Court to Section 156



W.P.No.34116 of 20__

of Panchayat Act, 1994 submitted that Section 156 is applicable to public slaughter houses and the same is not applicable when the petitioner applied for running retail shop in a private place. It is also submitted that the petitioner wants to run a retail fish shop in a private property belongs to one Vijaya at Gandhi Nagar, Konamalai.

3. Mrs.S.Anitha, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Sanjay Gandhi, learned Government Advocate appearing for the 2nd respondent tried to support the impugned order by submitting that the petitioner submitted an application in Form-1 wherein in Column No.4, the type and description of the animal for slaughtering was mentioned as Bhavanisagar Dam fish. As the license of the petitioner for fishing in Bhavanisagar Dam already got expired, therefore, the petitioner is not entitled to seek license for running a retail fish shop.

4. It is seen from the application submitted by the petitioner in Form-1 under Rule 4 of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999,



the petitioner submitted an application seeking license for running a retail shop in a private place. Therefore, the 2nd respondent ought not to have treated the same as an application for running a shop in a public place. Therefore, the impugned order passed by the 2nd respondent as if the petitioner should participate in a public auction is not correct. Further, the impugned order reads as if even in respect of running a shop in a private place, the petitioner has to participate in open auction. The same is not at all contemplated under Rule 4 of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999. If the petitioner wants to run a fish shop in a private place belongs to him or in a private place belongs to some other under lease agreement, he has to apply for license from the local authority under Rule 4 of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999. There is no necessity to conduct open auction. The question of conducting open auction will arise only if petitioner wants to have retail shop in a public place. Hence, the impugned order passed by the 2nd respondent is liable to be set aside.



WEB COPY

5. It is submitted by the learned counsel for the 2nd respondent that the petitioner's license for fetching fish from Bhavanisagar Dam is already expired. On the other hand, the learned counsel for the petitioner disputed the same and according to his instruction, the license in favour of the petitioner has been extended.

6. In such circumstances, this Court is inclined to issue a direction to the petitioner to apply for license afresh in Form-1 under Rule 4 of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999, for running a retail shop in a private place within a period of two weeks from the date of receipt of a copy of this order. If any such application is submitted by the petitioner, the 2nd respondent shall consider the same on merits in the light of Rule 4 of Tamil Nadu Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999 and pass orders within a period of four weeks thereafter.



W.P.No.34116 of 20__

WEB COPY

7. With the above directions, this writ petition is partly allowed. No costs.

31.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

- 1.The Assistant Director of Panchayats,
Erode District, Erode
- 2.The Executive Officer,
The Konamalai Panchayat,
Konnamalai Panchayat Office,
Sathyamangalam Taluk,
Erode District.



WEB COPY



W.P.No.34116 of 2022

S.SOUNTHAR, J.

nr

W.P No.34116 of 2022

31.08.2023