



W.P.(MD)No.12117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM

THE HONOURABLE Mrs.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.12117 of 2023

and

W.M.P.(MD)Nos.10384 and 10385 of 2023

A.Ponnulingam

... Petitioner

Vs.

1.The Principal Secretary to Government
Health and Family Welfare Department
Secretariat
Chennai.

2.The Executive Officer,
Public Health Department
Azhagapuram Taluk
Kanyakumari District
Kanyakumari.

3.The Block Health Officer,
Public Health Department
Agastheeswaram
Kanyakumari District.

4.The Deputy Director,
Public Health Department
Nagercoil, Kanyakumari District.



W.P.(MD)No.12117 of 2023

5.The Administrative Officer,
Public Health Department
Azhagapuram Taluk
Kanyakumari District,
Kanyakumari

6.Prakash

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice dated 11.05.2023 on the file of the respondent No.3 and quash the same as illegal and consequently directing the respondent No.2 to consider the petitioner's license application dated 15.05.2023 within the time stipulated by this Court.

For Petitioner : Mrs.T.Seeni Syed Amma
for M/s.Lajapathi Roy and
Associates

For Respondents : Mr.M.Sarangan for R1 to R5
Additional Government Pleader

ORDER

Challenging the impugned notice dated 11.05.2023 of the respondent No.3 and for a consequential direction to the respondent No.2 to consider the petitioner's license application dated 15.05.2023, this writ petition has been filed.



W.P.(MD)No.12117 of 2023

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2. By consent, this writ petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5.

4. The learned counsel for the petitioner would submit that the petitioner is running a piggery farm from the year 2009 with the permission from the respondents 2 and 4. However, the 3rd respondent has issued the impugned notice dated 11.05.2023 asking the petitioner to vacate the premises within seven days without giving any opportunity of hearing to the petitioner, which is violative of principles of natural justice. She also submitted that the application of the petitioner for license to run the piggery farm is also pending with the 2nd respondent and hence, necessary direction may be issued to consider the application for license made by the petitioner.



W.P.(MD)No.12117 of 2023

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5. Per contra, the learned Additional Government Pleader would submit that the impugned notice may be treated as a show cause notice and the petitioner may be directed to give necessary reply/explanation to the same and considering the said explanation, the issue will be decided by the respondents. However, he insisted that the waste water, which is being released out from the piggery farm, should not be let into the PWD channel.

6. Considering the submissions made on either side and also considering the fact that the petitioner's application is pending with the respondents, this writ petition is disposed of with the following directions:

(a) The petitioner shall treat the impugned notice as a show cause notice and give his reply/explanation to the same within a period of two weeks from the date of receipt of a copy of this order;

(b) On such explanation/reply being received from the petitioner, the respondents shall consider the same on merits and in accordance with law;

(c) The 2nd respondent is directed to consider the application for license of the petitioner as well;



W.P.(MD)No.12117 of 2023

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(d) The petitioner is also directed to seriously take into account the water which was being released out of the piggery farm shall not pollute the area and it should not be let into the PWD channel in the locality.

No costs. Consequently connected Miscellaneous Petitions are closed.

18.05.2023

NCC: Yes / No
Index : Yes / No

RR



W.P.(MD)No.12117 of 2023

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W.P.(MD)No.12117 of 2023

L.VICTORIA GOWRI,J.

vji

W.P.(MD)No.12117 of 2023

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