



W.P(MD)No.17647 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17647 of 2015

and

M.P.(MD)No.1 of 2015

L.Gnanathal

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin-628 107.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.C7 & C9, SIPCOT Industrial Estate,
Meelavittan,
Tuticorin-628 008.

3.The Deputy Director,
Health Services,
Kovilpatti-628 501.

4.The Commissioner,
Kovilpatti Panchayat Union,
Kovilpatti-628 501.

5.The President,
Puliyankulam Panchayat,
Kovilpatti Taluk,
Tuticorin District.



W.P(MD)No.17647 of 2015

6.Arumugasamy

7.Marichamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in O.M.No.1239/A5/2015, dated 16.04.2015 on the file of the third respondent herein and to quash the same and to direct the respondents 1 to 5 to take appropriate proceedings as against the respondents 6 & 7 herein to close their poultry farms run in the lands bearing Survey Nos. 260/3, 260/4 and 260/5A and 249/3 and 249/4 abutting the Main Road in Puliyanakulam Village, Kovilpatti Taluk, Tuticorin District within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1, R3 & R4

: Mrs.Vijayakumari Natarajan for R2

: Mr.Rajarajan for R5

: R6 & R7 appeared in person

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for R1, R3 & R4 and the learned standing counsel appearing for the Pollution Control Board.

2. Since the president of the local body did not evince any interest in the matter, this Court called upon the third respondent to intimate the private



W.P(MD)No.17647 of 2015

respondents to appear before this Court. Shri.Arumugasamy as well as Shri.Marichamy appeared in person.

3. The grievance of the petitioner is that the respondents 6 & 7 are causing nuisance and pollution. The learned standing counsel for the second respondent made it clear that so long as the number of birds is below five thousand, there is no need to obtain clearance from the pollution control board. The respondents 6 & 7 have obtained clearance from the local body. The third respondent has also made it clear that the business activities of R6 & R7 is not posing any health hazard. It is also seen that R6 & R7 are carrying on their business only in agricultural land. R6 & R7 give an undertaking before this Court that they will carry on their activities in the manner as not to give rise any kind of complaint. In other words, the activities of R6 & R7 will not pose any nuisance to the writ petitioner.

4. Recording the said undertaking of R6 & R7, the impugned order is sustained. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.08.2023

Index : Yes / No
Internet : Yes/ No
rmi



WEB COPY



W.P(MD)No.17647 of 2015

G.R.SWAMINATHAN, J.

rmi

To

- 1.The District Collector,
Tuticorin District,
Tuticorin-628 107.
- 2.The Deputy Director,
Health Services,
Kovilpatti-628 501.
- 3.The Commissioner,
Kovilpatti Panchayat Union,
Kovilpatti-628 501.

W.P(MD)No.17647 of 2015

21.08.2023