



W.P.(MD)Nos.3713 & 6828 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.03.2023

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THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD).Nos.3713 & 6828 of 2015

and

M.P.(MD).No.1 to 3 of 2015 & 1 to 3 of 2015

W.P.(MD).No.3713 of 2015

Y.D.Deva Arul Raju

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The District Health Officer,
Kanyakumari District.
- 3.The Tahsildar,
Kalkulam,
Thuckalay, Kanyakumari District.
- 4.The Block Development Officer,
Kurunthencode,
Kurunthencode Post,
Kanyakumari District.



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5.The Village Administrative Officer,
Kuruthencode Village,
Kanyakumari District.

6.The Inspector of Police,
Eraniel, Kanyakumari District.

7.The Block Health Supervisor,
Government Primary Health Centre,
Muttom, Ammandivilai (P.O),
Kanyakumari District.

8.T.Vaigundamani ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the 8th respondent dated 10.03.2015 sealing the petitioner's premises situated in Re-Survey No.568/10 of Kuruthencode Village.

For Petitioner :Mr.M.Saravanan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for
R1to R3, R5 and R7

:Mr.K.P.Krishnadoss for R4

:Mr.R.M.S.Sethuraman
Additional Public Prosecutor for R6



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- 8.The President,
Kuruthancode Village Panchayat,



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Kuruthencode,
Kanyakumari District.

9.T.Vaigundamani

... 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 relating to the impugned order dated 09.03.2015 passed by the first respondent vide his proceedings in Proc.No.A2/947/2013(ii) and quash the same and consequently directing the respondents 8 and 9 to pay compensation for the illegal seizure of 83 Pigs worth Rs.12 Lakhs, which were illegally seized on 10.03.2015 by the respondents 8 and 9 in pursuance to the impugned order passed by the first respondent.

For Petitioner :Mr.M.Saravanan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for
R1to R3, R5 and R7

:Mr.K.P.Krishnadoss for R4 & R8

:Mr.R.M.S.Sethuraman
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COMMON ORDER

The petitioner in W.P.(MD).No.3713 of 2015 had challenged the order passed by the 8th respondent, directing the closer and sealing of the petitioner's pig farm. Pursuant to the direction issued by the Collector. The prayer in the writ petition in W.P.(MD).No.6826 of 2015 is challenging the direction issued by the Collector to take appropriate action for closing of the pig farm run by the petitioner. The petitioner has been running the pig farm at Kuruthencode village. The petitioner had not obtained any license. Hence, originally, action was initiated on 03.07.2014, which the petitioner had challenged before this Court in W.P.(MD).No.12944 of 2014. The said writ petition came to be dismissed by this Court on 07.08.2014. However, at the request of the petitioner, time was granted to him to remove the pig farm. However, suppressing the dismissal of the said writ petition, the petitioner had filed typed copies of the order of the Village President in the said writ petition, the fact in W.P.(MD).No.12944 of 2014. He had filed the original impugned order in W.P.(MD).No.14373 of 2014. This Court was not appraised of the order that was passed in the earlier writ petition.



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2. Hence, this Court had issued various directions for consideration of the application of building permission for landing the pig farm. Apart from that, this Court had also protected the petitioner's pig farm till the disposal of the application for building permission. This fact came to the notice of this Court and hence by a separate order, this Court had referred the act of the petitioner to be placed before the Administrative Judge/ Honourable Chief Justice for initiating appropriate *Suo motu* criminal contempt against the petitioner and on that ground alone, the case of the writ petitioner in both writ petitions in my view, should not be entertained. Further, the petitioner had not obtained any license whatsoever, and he has also not produced any documents whatsoever to claim that he had made an application for grant of license under the Tamil Nadu Panchayats (Licensing of Pigs and Destruction of Unlicensed or Infected Pigs) Rules, 1996. Hence, I do not find any infirmity, even though I am not inclined to entertain the writ petition as the petitioner had been approaching this Court by suppressing and he had abuse the process of Court to obtain favourable orders and also on the merits of the case, I do not find any



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infirmity in the impugned orders passed by the respective respondents.

Hence, both the writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

02.03.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No

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K.KUMARESH BABU, J.

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