



Review Application Writ (MD)No.233 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Review Application Writ (MD)No.233 of 2023

and

W.M.P.(MD)Nos.24042 and 24043 of 2023

C.John Christopher

... Petitioner

-VS-

1.R.Prabin

2.The District Collector,
Kanyakumari District at Nagercoil.

3.The Revenue Divisional Officer,
Vilavancode Taluk, Thuckalay,
Kanyakumari District.

4.The Regional Joint Director,
O/o. Regional Joint Director,
Animal Husbandry,
Nagercoil, Kanyakumari District.

5.The Deputy Director,
O/o. Deputy Director of Cattle Breeding and
Fodder Development,
Nagercoil, Kanyakumari District.



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6.The Assistant Director,
O/o. the Assistant Director,
Animal Husbandry, Thuckalay,
Kanyakumari District.

7.The President,
Vellomcode Village Panchayat, Vellomcode,
Vilavancode Taluk, Kanyakumari District.

... Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of the Civil Procedure Code, praying to review the order dated 15.11.2023, passed in W.P.(MD)No.19596 of 2021.

For Petitioner	:	Mr.G.Thalaimutharasu
For R1	:	Mr.G.Aravinthan
For R2 to R7	:	Mr.A.K.Manikkam Special Government Pleader

ORDER

When the Review Application came up for hearing on 27.11.2023, this Court passed the following order:-

"Notice to the writ petitioner/1st respondent returnable by 11.12.2023. The learned counsel for the review petitioner is also permitted to serve notice on the counsel, who appeared for the writ petitioner in the Writ Petition.

2. Mr.A.K.Manikkam, learned Special Government Pleader takes notice on behalf of the respondents 2 to 7.



3. The order was passed in the Writ Petition based on the written instructions received from the 7th respondent, who is the President of the Village Panchayat. The written instructions gave an impression as if the petitioner is running the pig farm without getting any permission or license. However, the learned counsel for the review petitioner/7th respondent in the Writ Petition brought to the notice of this Court various materials, which were not placed before this Court at the time of disposing of the Writ Petition.

4. The 7th respondent Village Panchayat had initially passed a resolution on 24.06.2020 to the effect that the petitioner should not run the pig farm and directed the petitioner to stop the operation with effect from 22.07.2020. Aggrieved by the same, the petitioner made a representation before the Block Development Officer, Melpuram Panchayat Union and based on the same, the Block Development Officer, through the proceedings dated 30.06.2020, kept the resolution of the panchayat in abeyance until further orders. This was also informed to the panchayat President. Thereafter, the Block Development Officer had sent a communication on the same day to the District Collector, Nagercoil, bringing to the notice of the District Collector the resolution passed by the panchayat and requested the District Collector to cancel the said resolution.

5. In the mean time, the period of license was extended from 01.04.2020 to 31.03.2021.

6. The Assistant Director (Panchayat) through the proceedings dated 28.10.2020 called upon the Panchayat President to give his



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explanation as to how such a resolution was passed in the meeting and the basis of passing such a resolution. The learned counsel for the review petitioner submitted that there was no response for this notice that was issued by the Assistant Director (Panchayat). In the meantime, the petitioner was also paying necessary license fees for every year and it was not acted upon.

7. In view of the above, the learned counsel for the review petitioner submitted that the material facts were not brought to the notice of this Court and as a result, this Court had passed the order in the main Writ Petition only based on the written instructions received from the President of the Village Panchayat.

8. Sufficient materials have been brought to the notice of this Court to substantiate that the order passed in the Writ Petition suffers from an error on the face of it. Hence, the order passed in the main Writ Petition shall be kept in abeyance until further orders.

9. Post this Review Petition on 11.12.2023."

2. Heard the learned counsel appearing on behalf of the petitioner, the learned counsel appearing on behalf of the first respondent and the learned Special Government Pleader appearing on behalf of the respondents 2 to 7.



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3. This Court carefully considered the submissions made on either side and the materials available on record.

4. The order passed by this Court on 15.11.2023 suffers from error apparent on the face of it, since that order was passed without considering certain material documents. In view of the same, this Court is inclined to review the order passed on 15.11.2023 and the same is hereby recalled. The Writ Petition is restored back on file and the learned counsel appearing on either side shall make their submissions afresh by placing all the relevant documents before this Court.

5. This Review Application accordingly stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes/No
Index : Yes/No
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19.12.2023

Note:- Registry is directed to restore the Writ Petition on file and post the same in the usual course.



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To

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N.ANAND VENKATESH, J.

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