



W.P. No. 32198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 32198 of 2023

and

W.M.P. No. 31801 of 2023

H.Gokulan

... Petitioner

-VS-

1. The District Collector cum Inspector of Panchayat,
Ranipet,
Ranipet District.
2. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Ranipet,
Ranipet District.
3. The Joint Director cum Project Director,
District Rural Development Department,
Ranipet,
Ranipet District.
4. The Regional Joint Director,
Animal Husbandry Department,
Ranipet,
Ranipet District.
5. The Assistant Director (Panchayat),
Rural Development Department,
Ranipet,
Ranipet District.
6. The Block Development Officer (Village Panchayats),
Arcot,
Ranipet District.



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7. The Tahsildar,
Arcot,
Ranipet District.

8. Panchayat President,
Arumbakkam Panchayat,
Arcot Panchayat Union,
Ranipet District.

9. M.Suresh

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the Sixth Respondent dated 29.09.2023 in Na. Ka. Aa1/1349/2023 and consequential proceedings of the Eighth Respondent dated 05.10.2023 and to quash the same, direct the First Respondent to pass orders on the representation of the Petitioner dated 06.10.2023.

For Petitioner : Mr. S.Gunaseelan

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1, R3 to R5 & R7)

Mrs. Shanmugavalli Sekar,
Standing Counsel (for R2)

Mr. S.Arumugam (for R6 & R8)

ORDER

Heard Mr. S.Gunaseelan, Learned Counsel for the Petitioner,
Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the



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First, Third to Fifth and Seventh Respondents, Mrs. Shanmugavalli Sekar,

Learned Standing Counsel appearing for the Second Respondent and Mr. S.Arumugam, Learned Counsel for the Sixth and Eighth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Having regard to the nature of order proposed to be passed in the Writ Petition, which would not cause any prejudice to the Ninth Respondent, notice to him is dispensed with.

3. The request made by the Petitioner to the First Respondent to grant permission for running poultry farm in his agricultural land of an extent of 4.5 acres in Kurumudhithangal Village, Arumbakkam Post, Ranipet District was declined without assigning reasons by Proceedings No. Na. Ka. Aa1/1349/2023 dated 29.09.2023 by the Sixth Respondent, which is challenged in this Writ Petition.

4. According to the Petitioner, he had made such request, though it was not necessary, on account of the complaints made by the Ninth Respondent, who is a resident of the same Village and is inimically disposed towards him. In this context, it has been pointed out by the Petitioner that the Government of Tamil



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Nadu in its Letter No. 9985/UD4(3)/2018-3 dated 26.02.2016, has stated as

follows:-

3. In this regard I am to state that your representation was examined in consultation with Commissioner of the Town and Country Planning and to state that Live~stock breeding has been include under the definition of the term ?Agriculture? as per sub~Section (1) of Section 2 of the Tamil Nadu Town and Country Planning Act, 1971. Live~stock breeding includes poultry also. Since, clause (e) of the proviso to sub~Section (13) of Section 2 of the said Act provides that the use of any land for the purpose of agriculture shall not be deemed to involve development of land and therefore obtaining permission for constructions of sheds/buildings for the use of poultry under Tamil Nadu Town and Country Planning Act, 1971, is not necessary.

Further, it has been brought to notice that the Hon'ble Supreme Court of India in ***Poultry Farmers and Breeders Association -vs- Union of India*** (Order dated 28.04.2023 in Civil Appeal No. 2480 of 2023) has held as follows:-



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One of the submissions raised for consideration is that as per the revised guidelines issued by the Central Pollution Control Board (CPCB) in August 2021 followed in January 2022, the Poultry Farms handling birds above 25,000 in a single location have to obtain consent to establish and operate under the Water (Prevention and Control of Pollution), Act 1974/the Air (Prevention and Control of Pollution) Act 1981, from the respective State/Central Board.

However, in the absence of any further guidelines being issued by the Government/competent authority and in the absence of any fact finding report from the experts available on record, the NGT, on its own, under its order impugned has substituted the requirement from above 25,000 to above 5,000 and that was circulated by the Government under its guidelines of January, 2022. Counsel submits that in the absence of any expert report being made available, the order passed by the Tribunal in substituting the guidelines of Government of India needs to be relooked by this Court.



Issue notice, returnable in four weeks.

In the meantime, guidelines of January 2022 “8.0 As per the directions of Hon’ble NGT dated 10.12.2021 (O.A. No. 320/2021 : Gauri Maulekhi Vs. Union of India & Ors., poultry farms handling above 5,000 birds at single location shall also obtain consent to establish (CTE) and consent for operate (CTO) under the Water Act, 1974 & Air Act 1981 from State Pollution Control Board/Pollution Control Committee w.e.f. 01.01.2023.” until further orders, shall remain stayed.

It is informed that the said interim order still continues to be in force as on date.

5. That apart, placing reliance on the decision of this Court in ***President, Gangaikondan Panchayat -vs- Chief Engineer, Non-Conventional Energy (NCES), Tamil Nadu Electricity Board, Chennai*** [(2012) 5 CTC 450], it is vehemently canvassed that there is no notification from the Government of Tamil Nadu specifying running of poultry farm as a purpose which is likely to be offensive or dangerous to human life or health or property for which licence



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has to be obtained from the Village Panchayat in terms of Section 159 of the Act.

6. The Second Respondent has filed Status Report dated 19.02.2024, which reads as follows:-

6. It is respectfully submitted that the unit was again inspected by the official of Second Respondent on 03.01.2024 and following were observed:-

- (a) The unit was under operation and has provided three sheds with 12,900 chickens (4,300 chicks in each shed) in the current batch.
- (b) The unit involves in the buying of chicks (age 1 day) from supplier (M/s. Vetrivel Agro Broiler Farms) and nurturing the chicks to chicken and send back to the supplier. The Agreement executed with the supplier was found to be not proper manner. (Annexure.2)
- (c) The unit was found to be only partially complying with the Environmental Guidelines for Poultry Farms January 2022/August 2021. The compliance status reports with



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respect to the Environmental pollution aspect as per the Environmental Guidelines for Poultry Farms January 2022 is attached herewith vide Annexure-3.

- (d) In Google Earth it was noticed that there are Primary health Centre and residential houses are located within 500 m of aerial distance and a Government School is located at 650 m of aerial distance from the boundary of the unit.
- (e) During inspection, Mrs. Sumathi, Headmaster, Government High School, Arumbakkam has informed that there are no fly nuisance or foul smell complaint in the school campus due to the operation of the Polutry Farms however, there will be foul smell on crossing the poultry farm.
- (f) Mrs. Baby W/o. Perumal residing at 3/50, Kurumudithangal, Arumbakkam, Ranipet (200 m distance from the unit) informed that there are lot of fly nuisance after the establishment and operation of poultry farms.



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7. In the aforesaid circumstances, it is made clear that though the Petitioner contends that there is no necessity to obtain any permission from any authority under the said legal provisions for running poultry farm in his agricultural property, it is made clear that in the event of him committing breach of any law, the concerned authority is not precluded from following the prescribed procedure for taking action against him in that regard.

In the result, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.05.2024.

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To

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Ranipet District.
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Tamil Nadu Pollution Control Board,
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P.D. AUDIKESAVALU, J.

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