



W.P(MD)No.11490 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11490 of 2020

and

W.M.P.(MD)No.10032 of 2020

Prabhu

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The District Revenue Officer,
Nagercoil,
Kanyakumari District.
- 3.The Director (Planning),
District Rural Development Scheme,
Nagercoil, Kanyakumari District.
- 4.The Assistant Director of Panchayat,
(Village Panchayat), Nagercoil,
Kanyakumari District.
- 5.The Deputy Director of Health Services,
Nagercoil, Kanyakumari District.
- 6.The Revenue Divisional Officer,
Padmanabhapuram, Thuckalai,
Kanyakumari District.



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7.The Block Development Officer,
(Village Panchayat),
Melpuram Panchayat Union,
Melpuram, Pacode (Post),
Kanyakumari District.

8.The Block Health Supervisor,
Government Primary Health Centre,
Edaicode, Kanyakumari District.

9.The President,
Manjalumoodu Village Panchayat,
Melpuram Panchayat Union,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order passed by the 9th respondent by his proceedings No.1/2020 dated 02.09.2020 and to quash the same and consequently direct the 9th respondent not to interfere in the peaceful running of the petitioner's Pig farm at Ry.Survey No.504/3A of Arumanai village in Manjalumoodu Village Panchayat, Charoadu Post, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R8.
Mr.N.Dilipkumar for R9.



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ORDER

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Heard both sides.

2.The petitioner after obtaining building plan approval for residential purposes, was utilizing the building for running a pig farm. That triggered issuance of the impugned order dated 02.09.2020 calling upon the petitioner to remove the farm.

3.Even though the learned counsel for the petitioner made a valiant attempt to assail the impugned order, I have to necessarily reject the same. Once a building plan has been obtained for a particular purpose, the applicant must utilize the building only for that purpose and no other purpose. Therefore, the conduct of the petitioner cannot be justified. The impugned notice is sustained. Since the petitioner was enjoying interim order, he is given two weeks time from the date of receipt of a copy of this order to submit a proper application before the concerned authority / authorities. If such an application is filed within the aforesaid time limit, the same shall be disposed of on merits and in accordance with law by the concerned authorities within a period of six weeks thereafter. Since the petitioner was enjoying interim order, it will



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continue till the final order is passed on the building plan application to be filed by the petitioner. If the petitioner fails to submit his application within two weeks from the date of receipt of a copy of this order, the benefit of this order will stand automatically vacated.

4.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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5.The Deputy Director of Health Services,
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6.The Revenue Divisional Officer,
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G.R.SWAMINATHAN, J.

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