



W.P.(MD) No.17402 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.17402 of 2017
and
W.M.P.(MD) Nos.13921 and 13922 of 2017**

R.Arut Prakash

... Petitioner

/vs./

**1.The Executive Officer,
Suchindram Selection Grade Town Panchayat,
Suchindram,
Agasteeswaram Taluk,
Kanyakumari District.**

2.M.Latha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in A.Dhi.Mu.94/2017/A2 dated 08.08.2017 on the file of the respondent No1. and quash the same as illegal and consequently directing the respondent No.1 to provide building plan approval for the petitioner's property in Old Survey No.1431, New Survey No.49/1 to an extent of 9 cents 100 sq.feet situated at Plot No.19, 20, Suchindram Village, Suchindram Asarmam,



W.P.(MD) No.17402 of 2017

Agastheeswaram Taluk, Kanyakumari District within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R1 : Mr.R.Suresh Kumar
Additional Government Pleader

For R2 : No appearance

ORDER

Heard Mr.S.Rajasekar, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader for the first respondent. In spite of notice to the second respondent, he has neither chosen to appear in person or through a counsel and his name is printed in the cause list and he has been called absent today.

2. The order impugned herein is a refusal to grant the planning permission to the petitioner for construction of a house annexed with a cow shed.

3. The learned counsel for the petitioner had relied upon the judgment of the Division Bench of this Court in the case of ***P.Someshkandar Vs. Vijayan***



W.P.(MD) No.17402 of 2017

reported in **2009-5-L.W. 750**, wherein, in similar circumstances, this Court had held that the rejection of the application for having a piggery unit was set aside by the Court by holding that the reliance placed upon by the Planning Authority on the Health Inspector's Report was bad in law and had also further directed the petitioner therein to maintain the Unit without causing any health hazards. Liberty was also granted to the Town Panchayat and its Authorities including the Health Officer concerned to regularly inspect the premises. The judgment relied upon by the learned counsel for the petitioner squarely applies to the facts of the present case.

4. In such view of the matter, the order impugned is set aside and the first respondent is directed to consider the application of the petitioner as per the provisions of the Act and Rules as available today. It is made clear that the petitioner shall maintain the cow shed hygienically without leading to any health hazard situations. The first respondent and his Authorities including the Health Officer shall inspect the premises as and when required and if any violation is found, they can initiate action as per the provisions of the Act.



W.P.(MD) No.17402 of 2017

WEB COPY

5. With the aforesaid directions, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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To

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W.P.(MD) No.17402 of 2017

K.KUMARESH BABU, J.

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W.P.(MD) No.17402 of 2017

12.12.2024