

W.P.(MD)Nos.1761, 1766 and 1939 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 31.01.2025

Delivered On : 28.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)Nos.1761, 1766 and 1939 of 2025
and
W.M.P.(MD)Nos.1256, 1259 and 1384 of 2024

A.Jebaraj ... Petitioner in W.P.(MD)No.1761 of 2025

T.Reegan ... Petitioner in W.P.(MD)No.1766 of 2025

Dileep Kumar ... Petitioner in W.P.(MD)No.1939 of 2025

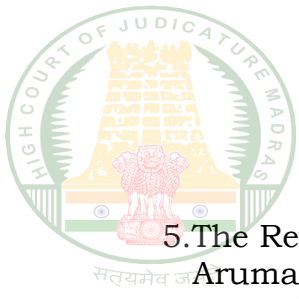
Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Assistant Director of Town Panchayat,
Nagercoil,
Kanyakumari District

3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District

4.The Village Administrative Officer,
Vellancode,
Arumanai,
Kanyakumari District



W.P.(MD)Nos.1761, 1766 and 1939 of 2025

5.The Revenue Inspector,
Arumanai,
Kanyakumari District.

6.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

7.The Executive Officer,
Arumanai Selection Grade Town Panchayat,
Kanyakumari District.

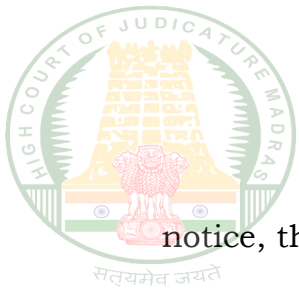
... Respondents in all W.Ps.

COMMON PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 7th respondent in Na.Ka.No.64/2022/A2, dated 13.01.2025 and to quash the same and consequently direct the 7th respondent to grant licence and building plan permission for the petitioner's pig farm.

For Petitioner : Mr.N.Edwin Jeyakumar
(in all W.Ps.)
For Respondents 1 to 5 : Mr.T.Amjad Khan, Government Advocate
(in all W.P.(MD)Nos.1761 & 1939 of 2025)
For 6th Respondent : Mr.K.Gnanasekaran
(in all W.Ps.) Government Advocate (Crl.)
For 7th Respondent : Mr.D.Farjana Ghoushiya
(in W.P.(MD)No.1761 of 2025) Special Government Pleader
For 7th Respondent : Mr.P.Subbaraj
(in W.P.(MD)No.1766 of 2025) Special Government Pleader
For 7th Respondent : Mr.S.Shanmugavel
(in W.P.(MD)No.1939 of 2025) Additional Government Pleader

COMMON ORDER

Challenging the common final impugned notice in Na.Ka.No. 64/2022/A2 dated 13.01.2022, issued by the 7th respondent as against the three writ petitioners herein, requiring them to close the pig farms run by them unauthorizedly, within 10 days from the date of receipt of the final



W.P.(MD)Nos.1761, 1766 and 1939 of 2025

notice, these Writ Petitions are filed.

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2.It is the claim of the writ petitioners that they have registered their respective pig farm with the micro, small and medium enterprises (MSME) for getting Central Government subsidies and they have also availed UDYAM Registration Certificate. It is the case of the petitioners herein that they have constructed a building for the pig farm as per the norms of the Animal Husbandry Department and Health Department in their own property and have also made an application for approval of the building plan before the 7th respondent on 25.11.2024, 22.05.2023, and 25.11.2024, respectively. It is the admitted case of the 7th respondent that the petitioners have been running pig farm in the properties in Survey No.507/5 in an extent of 50 cents, in Survey No.507/1 in an extent of 25 cents and Survey No.507/5 to an extent of 50 cents respectively.

3.While the applications made by the writ petitioners for approval of building plan was pending with the 7th respondent, the news items appeared in the local newspapers that the excretions of pigs are dumped in Thamirabarani river and therefore, the said pig farms are causing great inconvenience, pollution, and health hazards, to the common public. The common public have also made complaint before the respondents 1, 2 and 7 to take appropriate action against the pig farms functioning in the 7th respondent Town Panchayat. After receipt of the said complaints from the



W.P.(MD)Nos.1761, 1766 and 1939 of 2025

public, the petitioners were served with notices dated 05.07.2022, 02.09.2022, 17.09.2022, 19.09.2022, 25.08.2023, and 06.01.2025, in Na.Ka.No.64/2022/A2, to remove the pig farms functioning without due permission from the appropriate authorities most particularly from the pollution board. Since the same was not properly responded positively by the petitioners, the final impugned notice dated 13.01.2025, requiring to remove the pig farms by the petitioners came to be issued. It was issued only at the instance of the 1st respondent District Collector in her meeting on 11.01.2025, who also gave instructions to take action for removal of pig farms functioning unauthorizedly accordingly. An urgent memo in Na.Ka.No. 162/2025/UB dated 11.01.2025, was issued by the 2nd respondent and by way of complying the order of the 1st respondent, the impugned notice came to be issued.

4.The learned Government Advocate appearing for the 7th respondent categorically submitted that, it is mandatory to produce no objection certificate from the 7th Pollution Control Board as well as the Health Department, and the Police Department, to consider the application, seeking permission for running the pig farms by the petitioners, which are pending with the 7th respondent. My attention was also drawn to the Government Order issued by the Government in G.O.Ms.No.83, Animal Husbandry, Dairying, Fisheries and Fisherman Welfare (AH-4) Department, dated 01.10.2024, framing a Tamil Nadu State Pig Breeding Policy. The petitioners

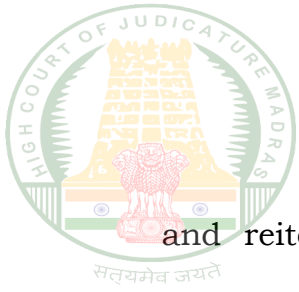


W.P.(MD)Nos.1761, 1766 and 1939 of 2025

are entitled to run the pig farms, only in terms of the said Government Order. However, without following any of the guidelines enumerated under the said Government Order, the petitioners have sought for permission to run their farms.

5.The learned Government Advocate also pointed out that Section 292 of the Tamil Nadu Urban Local Bodies Act, 2023, mandates that, no person shall keep any animal or bird as specified by the Government by notification issued under Section 105 of the Act, without a licence duly obtained under these Rules. The petitioners have neither followed the guidelines issued under the Tamil Nadu State Pig Breeding Policy nor the provisions under Section 292 of the Tamil Nadu Urban Local Bodies Act, 2023, and hence, they are not entitled to run their pig farms any further and the learned Government Advocate pressed for dismissal of the petitions.

6.It is the categorical contention of the learned counsel appearing for the petitioners that none of the petitioners are creating any hazardous activity, by dumping any of the pig waste or waste food materials into the Thamirabarani river and the Thamirabarani river is not running in and around the hamlet of Arumanai. That apart, the learned counsel substantiated by means of producing photographs of all the three pig farms run by the petitioners respectively, to prove the fact that the pig farms are being maintained by them in a non-residential area, amidst rubber estates



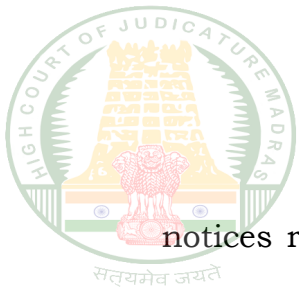
W.P.(MD)Nos.1761, 1766 and 1939 of 2025

and reiterated that the same will not cause any kind of pollution or disturbance to the common public in general. He also sought the mercy of the Court in considering the plight of the petitioners gracefully and to direct the 7th respondent to approve the petitioners application seeking building plan approval for their respective pig farms.

7. Heard the learned counsel on either side and carefully perused the materials available on record.

8. No doubt, the petitioners have not obtained necessary permissions/no-objection certificates from the various concerned Departments for running a pig farm. It is also understood from the submissions made by the learned Government Advocate that it is only on the instance of the 1st respondent District Collector that, in compliance towards the order of the 1st respondent, the 7th respondent had issued the final notice for removal of the pig farms run by the petitioners.

9. A careful perusal of the final notice dated 13.01.2025, would reveal that it was not the first time, when such an action has been initiated as against the petitioners, more than 6 attempts have been made at the end of the 7th respondent, to regulate the running of the pig farms by the petitioners. The earlier notices were of the date 05.07.2022, 02.09.2022, 17.09.2022, 19.09.2022, 25.08.2022, and 06.01.2025. Despite several



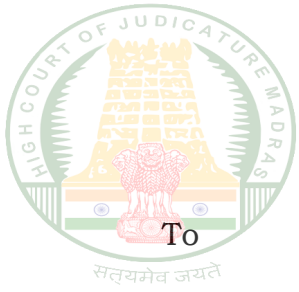
W.P.(MD)Nos.1761, 1766 and 1939 of 2025

notices received from the 7th respondent, the petitioners have continued to adopt a lethargic attitude by negating those notices issued seeking removal of the pig farms, and they have not even taken any steps towards availing no-objection certificates from the Health Department, Pollution Control Department, etc. It is the primordial duty of a person intending to run a Micro, Small and Medium Enterprise for getting Central Government subsidies to get the necessary permissions from the Departments concerned.

10. Having failed to do so, the petitioners have no *locus standi* to challenge the impugned notice, I am not inclined to interfere with the final notices issued by the 7th respondent. Hence, the Writ Petitions fails and the same are dismissed. However, liberty is given to the petitioners to make an application afresh, seeking approval of building plan to run a pig farm to the 7th respondent, after getting necessary permissions from all the departments concerned, in terms of the relevant Government Orders and relevant Acts. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.04.2025

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



W.P.(MD)Nos.1761, 1766 and 1939 of 2025

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L.VICTORIA GOWRI, J.

Mrn



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W.P.(MD)Nos.1761, 1766 and 1939 of 2025

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