



W.P.(MD).No.5396 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5396 of 2025
and
W.M.P.(MD)No.3955 of 2025

A.Arul Syto

... Petitioner

-vs-

1. The District Collector,
Nagercoil,
Kanyakumari District.
2. The Assistant Director of Town Panchayat,
Nagercoil,
Kanyakumari District.
3. The Deputy Director of Health Service,
Nagercoil,
Kanyakumari District.
4. The Village Administrative Officer,
Nalloor,
Kanyakumari District.
5. The Executive Officer,
Marungur Town Panchayat,
Kanyakukari District.
6. The Inspector of Police,
Anju Gramam Police Station,
Kanyakumari District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, after calling for the records pertaining to the impugned order of the 5th Respondent in Na.Ka.No. 86/2024/A2 dated 25.01.2025 and to quash the same and consequently directing the 5th respondent to permit the petitioner's pig farm to continue.

For Petitioner : Mr.S.Sureshkumar

For Respondents : Mr.K.S.Selvaganesan (R1 to R5)

Additional Government Pleader

Mr.V.Om Prakash (R6)

Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 25.01.2025, passed by the fifth respondent and seeking a consequential direction to the fifth respondent to allow the petitioner's pig farm to continue operations.

2. The petitioner claims that he runs a pig farm in S.No.716/3, 4 measuring to an extent of 3672 sq.mts., situated at Sootupothai Village, Marungoor Town Panchayat, Kanyakumari District under a consent deed. However, the fifth respondent issued the impugned order dated 25.01.2025, seeking consent letter from the concerned marriage halls and hotels that the



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pig farm gets waste food. The petitioner sent a representation on 12.02.2025 to the fifth respondent, seeking extension of time for getting licence. Since it has not been considered, this writ petition has been filed challenging the impugned order.

3. The learned counsel appearing for the petitioner submits that though larger relief has been sought for by the petitioner, now, he confines his prayer that it would suffice if the representation of the petitioner is disposed of in accordance with law.

4. Heard both sides.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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6. In the light of the above observations and also considering the submissions made by the learned counsel appearing for the petitioner, there shall be a direction to the first respondent to consider the petitioner's representations dated 12.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.03.2025

NCC : Yes/No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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Order made in
W.P.(MD)No.5396 of 2025

Dated:
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