



W.P.(MD)No.6543 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6543 of 2025

and

W.M.P.(MD)Nos.4804 and 4806 of 2025

Suji

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

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

3.The Executive Officer,
Thirparapu Selection Grade,
Town Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent passed in Na.Ka.No.46/2024/A2, dated 20.02.2025 and quash the same and consequently, directing the third respondent to grant license to the petitioners pig farm, situated in Survey No.3/5, Thumbakodu A.Village, Kuzhikodu Taluk, Kulasekaram, Kanyakumari District.



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For Petitioner : Mr.N.Edwin Jeyakumar
For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader
For R3 : Mr.B.Ramanathan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 20.02.2025, passed by the third respondent and seeking a consequential direction to the third respondent to grant license to the petitioner's pig farm, situated in Survey No.3/5, Thumbakodu A.Village, Kuzhikodu Taluk, Kulasekaram, Kanyakumari District.

2. The petitioner claims that he is the owner of the property in Survey No.3/5 of Thumbakodu A.Village, Kuzhikodu Taluk, Kulasekaram, Kanyakumari District. He operates a pig farm for the past 10 years on the said property. The grievance of the petitioner is that, he sent a representation on 10.02.2025 to the respondents 1 and 3, seeking an extension of time for getting license. However, without considering the petitioner's representation, the third respondent issued proceedings on 20.02.2025, which is impugned in the present writ petition.



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3. Heard both sides.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation, dated 10.02.2025, 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.



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6. With the above directions, the Writ Petition stands disposed of.

There shall be no order as to costs. Consequently, connected
Miscellaneous Petitions are closed.

12.03.2025

Index : Yes / No

NCC : Yes / No

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To

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VIVEK KUMAR SINGH, J.

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