



W.P(MD)No.17829 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.17829 of 2018

and

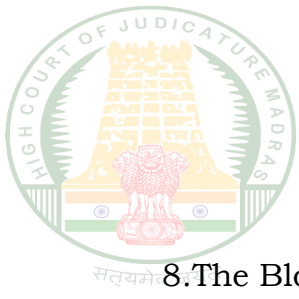
W.M.P(MD)Nos.15711, 15712 & 21925 of 2018

S.Shaju

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



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WEB COURT

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

9.P.Sasikumar

(R9 is impleaded vide court order dated 17.09.2018 in
W.M.P(MD)No.16528/2018)

... 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 7th respondent by his proceedings in A11/1162/2018 dated 07.08.2018 and to quash the same and consequently direct the 7th respondent not to interfere in the peaceful running of the petitioner's Pig farm at Ry.Survey No.502/2A1 of Arumanai village, Manjalumoodu, Kanyakumari District.

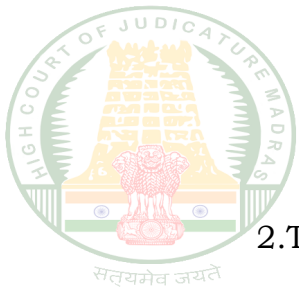
For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mrs.D.Farjana Ghouhia
Spl. Government Pleader for R1 to R7.
Mr.N.Dilipkumar for R9.

No appearance for R8

ORDER

Heard the learned counsel on either side.



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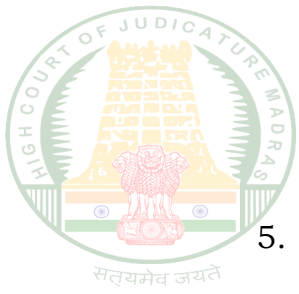
2.The petitioner is running a pig farm at the petition mentioned site.

The seventh respondent called upon the petitioner to close the farm.

Challenging the said notice dated 07.08.2018, this writ petition came to be filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. The contention of the petitioner's counsel is two fold:- (a) The petitioner need not take any license from the local body. (b) The pig farm is being run in an unobjectionable site. The learned counsel also took me through the scheme set out in Tamil Nadu Panchayats (Licensing of Pigs and Destruction of Unlicensed or Infected Pigs) Rules 1996 and contended that in the absence of notification under Rule 3, coercive action cannot be taken by the local body. He called upon this Court to grant relief as prayed for.

4.The learned Special Government Pleader as well as the learned standing counsel for the local body submitted that the reading and understanding of the statutory rules as projected by the learned counsel for the petitioner is not correct. The learned standing counsel submitted that a license was required to run a pig farm. He also relied on a catena of decisions rendered by various Benches. The respondents called upon this Court to dismiss the writ petition.



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5. I have carefully considered the rival contentions and perused the materials on record. In order to appreciate the issue on hand, it is necessary to refer to certain provisions of the Tamil Nadu Panchayats (Licensing of Pigs and Destruction of Unlicensed or Infected Pigs) Rules, 1996, which were framed in exercise of the powers conferred under Clause 32 of Sub-section (2) of Section 242 of the Tamil Nadu Panchayats Act, 1994. They read as follows:

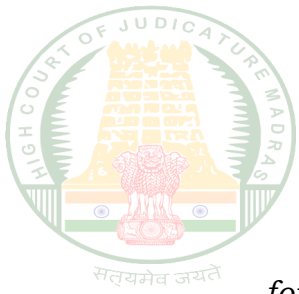
“3. Issue of public notice. - Every panchayat may, and if so directed by the Collector, shall publish a notice in the Official Gazette of the district in English and Tamil that unlicensed or infected pigs staying within the panchayat limits specified in the notice will be destroyed after the date specified in such notice.

4. Taking of licence. - When a notice under rule 3 has been published, the owner or custodian of every pig within the limits of the panchayat shall, within fifteen days from the date of such publication of notice take out from the Executive authority of the panchayat, a licence badge showing the following particulars and such other particulars, if any, as the Collector may prescribe, on payment of a licence fee not exceeding five rupees per pig for the half year in which such notice was given.

(1) Name of the panchayat (in a abbreviated form if the name is too long);

(2) Number of the licence issued; and

(3) Particulars of the year and half year, for which the licence is issued.



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The badge shall be fixed to any one of the ear of the pig for the purpose of inspection and verification by the Executive Authority of the panchayat or any person authorised by him:

Provided that the Collector may, for special reasons, extend the period within which a licence shall be taken from the Executive Authority after the publication of the notice.

5. Application for licence. - *Within fifteen days from the commencement of every succeeding half year or within such reduced period as the Collector may fix for special reasons, the owner or custodian of every pig shall apply to the Executive Authority for the grant or renewal of the licence on payment of the fee specified in rule 4.”*

6. A reading of the above rules makes it clear that, in order to run a pig farm, a licence as contemplated under Rule 4 is required. The rules further show that, before issuing such licence, a notice has to be published in the Official Gazette by the Collector, informing the person that unlicensed or infected pigs would be destroyed within the dates specified in the notice. Rule 4 prescribes the procedure for obtaining a licence, while Rule 5 deals with the application for such licence.

7. The Hon'ble Division Bench of this Court, in the decision reported in **2016 SCC Online Mad 28004 (R. Thomos Uvakker vs. The District Collector, Tirunelveli District, Tirunelveli and Others)**, has made it clear



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that, for running a pig farm, one must obtain a licence from the local body.

This view has been consistently taken in earlier as well as subsequent orders. Therefore, in the light of the above, this writ petition is disposed of with the following directions:

(a) The petitioner shall apply afresh for the grant of licence within a period of one week from the date of receipt of a copy of this order.

(b) On receipt of such application, the 7th respondent shall consider the same within a period of two months, provided the application is in order and in conformity with the rules.

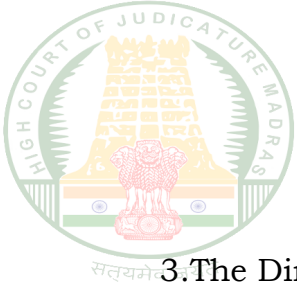
No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
skn

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P.T.ASHA, J.

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