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IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-02-2026**

CORAM

**THE HON'BLE DR.JUSTICE ANITA SUMANTH**

**AND**

**THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**WP Nos. 32698 & 32700 of 2022**

**AND**

**WMP Nos.32082 & 32084 of 2022**

T.S.Sekar

Proprietor, M/s. T.S.Sekar Poultry Farm,  
S.F. No.731/2, 732/2, Navani Village,  
Puthuchathiram Union, Namakkal District.

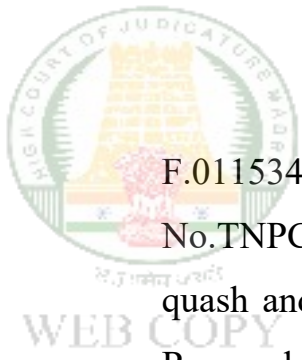
..Petitioner(s) in both WPs

Vs

1. The Chairman  
Tamil Nadu Pollution Control Board,  
No. 100, Mount Salai, Guindy, Chennai 32.
2. The District Environmental Engineer  
Tamil Nadu Pollution Control Board,  
Collectorate Campus,  
Near Tamil Nadu Civil Supplies  
Corporation, Namakkal - 637 003.

..Respondent(s) in both WPs

**Prayer in WP.No.32698 of 2022:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to proceedings bearing No. TNPCB/ T2/



F.011534/Closure/Water/2022, dated 26.05.2022 as well as Proceedings bearing No.TNPCB/T2/ F.011534/Closure/ Water/EB/2022 dated 26.05.2022 and to quash and consequently directing stoppage of electricity on the files of the 1<sup>st</sup> Respondent and consequently direct the Respondents to restore the electricity connection to the poultry farm in the name and style of T.S.Sekar Poultry Farm in S.F. No. 731/2, 732/2, Navani Village, Puthuchathiram Union, Namakkal District.

**Prayer in WP.No.32700 of 2022:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records relating to the order dated 28.11.2022 passed by the National Green Tribunal, Southern Zone, Chennai in I.A.No.193 of 2022 in Appeal No. 73 of 2022 and quash the same.

**(In both WPs)**

For Petitioner(s):

Mrs.Rita Chandraasekar  
for Mr.Aditya Chandramouli

For Respondent(s):

Mr.B.N.Suchindran,  
Standing Counsel

**COMMON ORDER**

**(Order of the Court was made by Dr.Anita Sumanth J.)**

In WP.No.32700 of 2022, the challenge is to an order of the National Green Tribunal, Southern Zone, Chennai (NGT/Tribunal) dated 28.11.2022. The petitioner had preferred an appeal before NGT against order dated 26.05.2022 passed by the Tamilnadu Pollution Control Board (Board). The appeal had been filed with a delay of 162 days. Since the NGT is vested with discretion to condone delay only upto a period of 30 days with a further period



of 60 days, the Tribunal had dismissed the petition seeking condonation of 162 days and the appeal itself, even at the threshold. It is as against that order that the present writ petition has been filed.

2. Even before us, we find no justifiable reason put forth that would persuade us to condone the delay in approaching the NGT. The Supreme Court in the case of *Glaxo Smithkline Pharmaceuticals Ltd. vs Union of India & Others* (AIR 2014 SC 410) has settled the position that this Court, even while exercising extraordinary jurisdiction under Article 226 of the Constitution of India, would bear in mind the cause for the delay and would entertain the writ petition only if sufficient cause had been made out. In the present case, no such justifiable explanation has been provided. Hence, we are not inclined to intervene in the order of the NGT and dismiss WP.No.32700 of 2022.

3. In WP.No.32698 of 2022, the petitioner has challenged the order of the Board dated 26.05.2022 directing closure of the poultry farm run by the petitioner and also the disconnection of electricity connection to the farm.

4. This writ petition (WP.No.32698 of 2022) is not even maintainable as the impugned order was the subject matter of appeal before the NGT which has dismissed those appeals on the ground of bar of limitation. Hence, it is unnecessary for us to even proceed to hear the matter.

5. However, both Mrs.Rita Chandrasekar, learned counsel for the petitioner and Mr.B.N.Suchindran, learned Standing Counsel for the Tamil Nadu Pollution Control Board would request some directions on merits, seeing



as the matter involves the interest of 40,000 (approx.) birds that are presently housed in the poultry farm being run by the petitioner.

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6. The petitioner in question has been operating a poultry farm in Navani Village, Puthuchathiram Union, Namakkal District without any consent having been obtained from the Board, which is a mandatory pre-requisite for the establishment of the same.

7. It is not in dispute that the poultry farm had been set up some time in early 2022. Proceedings had been initiated by the Board by issue of a show cause notice on 08.02.2022 seeking an explanation for having established the poultry farm without obtaining Consent to Establish (CTE) from the Board.

8. An application came to be filed only thereafter, on 18.02.2022 and since the application had been filed manually/offline, the Board intimated the petitioner that the application for consent ought to have been filed online, by following proper procedure. The petitioner was also cautioned not to continue with the construction of the poultry farm without obtaining consent of the Board.

9. The counter filed by the Board reveals that the petitioner, in recognition of the position that the poultry farm was being run even without obtaining CTE, had assured the Board that the construction work would not be continued, and would be kept in abeyance till such time consent was obtained under the Water and Air Acts and from the Tamil Nadu Pollution Control Board.

10. A writ petition came to be filed by one S.S. Murugesan, the neighbour



of the petitioner, in W.P.No.1127 of 2022 seeking a mandamus directing the officials respondents to take action against the petitioner (6<sup>th</sup> respondent in W.P.No.1127 of 2022) for running the poultry farm sans approvals, illegally.

That writ petition was disposed on 01.02.2022 directing the authorities to consider the representation and pass orders within a period of twelve (12) weeks from that date.

11.Around the same time, the petitioner too filed WP.No.15369 of 2022 seeking a mandamus directing the Board to grant consent to the petitioner for running the poultry farm. The petitioner's writ petition was disposed on 21.06.2022 directing the authorities to consider both the offline application dated 14.02.2022 and online application dated 26.02.2022 and dispose the same in accordance with law.

12.The poultry farm had been inspected on 15.05.2022 on the basis of the complaint from the neighbour and the violations noticed at the time of inspection are as follows:

*'1.Layer poultry farm with approximately 30,000 number of birds was found established without consent of TNPCB*

*2.Poultry shed was located within 10 metres from the boundary of the poultry farm obstructing cross ventilation which is in violation of the CPCB guidelines dated January 2022.*

*3.Poultry farm was located within 500 metres from Jai Bairavi Garden a residential colony, at a distance of 150 metres which is in violation of the CPCB guidelines dated January 2022.'*

13.Hence, orders had come to be passed on 26.05.2022 by the Board directing the closure of the poultry farm unit and dis-connection of power



supply to the unit, as the petitioner had continued with the illegal construction activity, despite the assurances given at the time of personal hearing of the proceedings and in blatant disregard of the notices issued by the authorities.

14. In fact, on 21.06.2022, when W.P.No.15369 of 2022 had been disposed, there had already been an inspection conducted on 15.05.2022 and closure order passed on 26.05.2022, which fact had not been brought to the notice of the Writ Court by either the petitioner or by the then learned counsel who appeared for the Board. In light of closure order dated 26.05.2022, the applications of the petitioner on 14.02.2022 and 26.02.2022 were of no relevance, as the inspection conducted on 15.05.2022 had found violations, on the basis of which the applications could not have been accepted.

15. While so, the petitioner challenged the aforesaid orders dated 26.05.2022 by way of appeal before the NGT, albeit belatedly. Pending appeal, the petitioner filed miscellaneous petitions seeking restoration of electricity connection and revocation of the closure order and the Board, vide order dated 16.09.2022, referring to the order of the Writ Court, directed the respondents to pass suitable orders of revocation of closure and restoration of electricity to the unit. The appeals came to be dismissed on 28.11.2022 and we have, under the present orders, confirmed the orders of the NGT.

16. On the admitted facts as above, there is no justification whatsoever to intervene in the orders of closure and disconnection of power supply. Even otherwise, we have noted that this Writ Petition is not maintainable. Hence,



W.P.No.32698 of 2022 is dismissed.

17.Upon admission of the present Writ Petitions, the petitioner had obtained interim stay and the poultry farm is presently functioning. We hence wanted to obtain a current status of the matter and also verify whether, at least now, four years after the lacunae and deficiencies were noted by the Board, the petitioner has taken remedial action.

18.According to the petitioner, it has been all these years awaiting the disposal of its online and offline applications as directed by the Writ Court on 21.06.2022. This statement however lacks credibility for the reason set out at paragraph 14 supra. The statement is also of little value in light of the recent report of the Board that reveals that all the violations noted by the Board in 2022 continue even as on date, and in fact, additional violations have been noted.

19.Since the matters had been listed after a gap of four (4) years, we had, on 09.02.2026, directed the District Environmental Engineer to file a status report. The status report filed by the District Environmental Engineer, Namakkal on 12.02.2026 is crisp, and reads as follows:

*‘With reference to the Hon'ble High court of Madras, order dated 09.02.2026 in W.P.Nos 32698 and 32700 of 2022, I submit to inform that the District Environmental Engineer and Assistant Engineer, Tamilnadu Pollution Control Board, Namakkal has inspected the poultry farm of M/s. T.S.Sekar Poultry Farm located in S.F.No. 732/2 of Navani Village, 120/1A and 120/1B of Thanathampatti Village, Namakkal Taluk, Namakkal District on 11.02.2026 and the following violations are observed.*



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1. The poultry farm is in operation with approximately 40,000 numbers of egg laying birds in a single shed without obtaining consent of the Tamil Nadu Pollution Control Board.
2. As per Central Pollution Control Board "Environmental Guidelines for Poultry Farms" issued in January 2022, the poultry farm should be established 500 m from residential zone in order to avoid nuisance caused due to odour and flies. However, during inspection it was observed that residential layout of "Jai Bhairavi Garden" is located at a distance of approximately 280m.
3. The residential layout of "Jai Bhairavi Garden" located at S.F.No. 730/1B, 2, 3 pt of Navanithottakurpatti Panchayat, Puduchatram Block, Namakkal District had obtained regularization of unapproved plots from Special officer/ Block Development officer, Navanithottakurpatti Panchayat, Puduchatram Block, vide proceeding dated 05.04.2018 (Copy enclosed as Annexure-1).
4. The poultry farm has obtained temporary service connection No. 04-213-010-2413 in the name of T.S. Sekar, S/o. T.S. Subramaniam from February 2022 (Copy enclosed as Annexure-2), after the issuance of Guidelines for Poultry Farms by Central Pollution Control Board in January 2022.
5. The poultry farm is currently in operation with the above-mentioned temporary service connection and also houses three diesel generators of following capacity
  - a. 35 KVa - 1 No.
  - b. 7.5 Kva - 2 No's.
6. As per Central Pollution Control Board "Environmental Guidelines for Poultry Farms" issued in January 2022, the poultry sheds should not be located within 10m from farm boundary for cross ventilation and odour dispersion. However, during the inspection it was found that distance between the poultry shed and farm boundary is approximately 4m in the southeast boundary and approximately 5.5 m in the southwest boundary.
7. As per Central Pollution Control Board "Environmental Guidelines for Poultry Farms" issued in January 2022, the dead bird burial pit shall be of minimum 3 to 4 m in depth and 0.8 to 1.2 m in diameter. The poultry farm has provided 2 Nos of dead bird burial pits of size 1.65 m diameter and 3m depth each.
8. As per Central Pollution Control Board "Environmental Guidelines for Poultry Farms" issued in January 2022, the



*distance between any two burial pits should not be less than 1 m. However, the poultry farm has provided only 0.4 m distance between the two burial pits.*

*9. Photographs taken during inspection are enclosed as Annexure-3.*

*This is submitted for favour of kind information please.'*

20. In light of the above, the bonafides of the petitioner are clearly in question as, despite being put to notice in 2022 itself, the petitioner has not bothered to take any action to remedy the violations till date, but has continue to operate with scant regard for the law.

21. WP.No.32700 of 2022 is also dismissed. No costs. Connected miscellaneous petitions are closed.

22. Our apprehension now is in regard to the fate of the 40,000 (approx.) birds that are stated to be housed in the poultry farm per the recent report of the District Environmental Engineer. The petitioner is given a period of four (4) weeks to shift the birds and make alternate arrangements for their safety and security. The Board shall inspect the premises of the farm after four weeks from today and file a report as to whether the petitioner has complied with this order and what arrangements were made for the birds.

(A.S.M.,J.) (M.S.K.,J.)  
16-02-2026

vs

Index: Yes/No

Speaking order

Neutral Citation: Yes

***Note: Registry to place status Report before us in Chambers please.***



To

1.The Chairman

Tamil Nadu Pollution Control Board,  
No. 100, Mount Salai, Guindy, Chennai 32.

2.The District Environmental Engineer,

Tamil Nadu Pollution Control Board, Collectorate Campus,  
Near Tamil Nadu Civil Supplies Corporation,  
Namakkal - 637 003.



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WP Nos.32698 & 32700 of 2



**DR.ANITA SUMANTH J.  
AND  
MUMMINENI SUDHEER KUMAR J.**

VS

**WP Nos. 32698 & 32700 of 2022  
AND  
WMP Nos.32082 & 32084 of 2022**

**16-02-2026**