



W.P(MD) No.20142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 05.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.P(MD) No.20142 of 2023
&
W.M.P.(MD)No.16603 of 2023**

Vasantha

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Pudukkottai District.
- 2.The District Pollution Control Engineer,
Tamil Nadu Pollution Control Board,
Pudukkottai District.
- 3.The Deputy Director of Public Health and
Preventive Medicine,
Pudukkottai,
Pudukkottai District.
- 4.The Block Development Officer,
Office of Kunrandarkovil Panchayat Union,
Kundrandankovil Post,
Kulathur Taluk,
Pudukkottai District.



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5.The Thasildar,
Kulathur Taluk,
Pudukkottai District.

6.Solaivalli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the second respondent in Ka.No. 0301/Ma.Su.so.Po/ThaMakaVa/Pudugai/Complaint/2023, dated 04.07.2023 and quash the same.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.A.Baskaran
Additional Government Pleader
for R1, R3 to R5

: Mrs.Madhuri Donti Reddy
for R2

: Mr.B.Jameel Arasu
for R6

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.



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2. The petitioner wants to set up a new poultry farm in the petition mentioned site. The Tamil Nadu Pollution Control Board issued the impugned communication dated 04.07.2023 calling upon the petitioner to stop further construction. Challenging the same, this writ petition has been filed.

3. The learned counsel appearing for the writ petitioner submitted that since the petitioner proposes to rear only 3,000 birds, consent from the pollution control board is not required.

4. This aspect of the matter is fairly conceded by the learned standing counsel for the pollution control board. She states that only if the number of birds exceeds five thousand, consent would be required. Though this threshold has not been crossed by the petitioner, there is another impediment for the petitioner to cross. The guidelines issued by the pollution control board for setting up new poultry farms state that they should be located 500 meters away from any residential zone in order to avoid nuisance caused due to odour and flies. In the case on



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hand, the residence of the contesting respondent (R6) is located within 25 meters from the petition mentioned site. Though what has been issued by the pollution control board is only a guideline and not a formal statutory rule, still we would apply what is known as precautionary principle. The Hon'ble Supreme Court has held that in matters concerning environment, the writ Court should adopt the precautionary principle. Therefore, the guideline issued by the pollution control board would be treated by us as having force and in this view of the matter, we hold that the petitioner's proposed pollution farm does not meet the siting criteria and we sustain the impugned communication.

5. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
05.01.2026

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