



W.P(MD)No.35035 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.35035 of 2025

and

W.M.P(MD)No.27715 of 2025

R.Petchimuthu

.. Petitioner

Vs

- 1.The District Collector,
O/o The District Collector,
Tenkasi,
Tenkasi District.
- 2.The Assistant Director (Panchayat),
Tenkasi,
Tenkasi District.
- 3.The Block Development Officer (Village Panchayat),
Keelapaavur Panchayat Union,
Tenkasi District.
- 4.The Executive Officer / President,
Panchayat Union,
Mellappavur,
Tenkasi District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus



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to call for the records related to the impugned proceedings of the fourth respondent dated 06.08.2025, 18.08.2025, 25.10.2025 and the undated communication and quash them all and consequently forbear the respondents from interfering with the peaceful functioning of the petitioner's country hen layer poultry farm in his private property in Melapavoor Village and pass such further or other orders as this court may deem fit and proper in the circumstances of the case and thus render justice. (Prayer is amended vide court order dated 11.03.2026 in WMP(MD)No.5683 of 2026).

For Petitioner : Mr.N.Dilipkumar for
Mr.K.R.Bharathikannan

For Respondents : Mr.M.Ajmalkhan
Addl. Advocate General assisted by
Mrs.P.B.Ahamed Yasmin Parvin
Govt. Advocate for R1

ORDER

This writ petition has been filed challenging the proceedings dated 06.08.2025, 18.08.2025, 25.10.2025, and the undated communication issued by the fourth respondent, whereby the petitioner was called upon to shift the poultry farm situated adjacent to the school.

2.The petitioner is running a poultry farm in Door Nos.2/104 and 2/106, comprised in Survey No.950/1A1A1, situated at Melappavur Village and Panchayat, Keelapavur Panchayat Union,



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Tenkasi District, measuring an extent of 900 sq. ft. Adjacent to the petitioner's poultry farm, there is a Government Higher Secondary School in which about 650 students are pursuing their education.

3. Based on a complaint lodged by the school authorities stating that foul odour was emanating from the petitioner's poultry farm, the fourth respondent issued a notice calling upon the petitioner to shift the poultry farm on the ground that it was causing public nuisance. The said notice was issued pursuant to directions issued by the District Collector directing the fourth respondent to take appropriate action against the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondents.

5. Admittedly, no notice was issued to the petitioner before directing him to shift the poultry farm. The impugned proceedings issued by the fourth respondent direct the petitioner to shift the poultry farm on the ground that it is causing public nuisance and that the petitioner is running the poultry farm without obtaining a licence from the competent authority.



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6.It is not in dispute that poultry farming is an agricultural activity, and there is no specific provision under the Tamil Nadu Panchayats Act, 1994, requiring a licence for running a poultry farm. However, whether the petitioner's poultry farm is in fact causing public nuisance is a matter that requires reconsideration by the fourth respondent after affording an opportunity of hearing to the petitioner.

7.During the pendency of the writ petition, the Health Inspector, invoking the provisions of the Tamil Nadu Public Health Act, also called upon the petitioner to shift the poultry farm. However, the said order was likewise passed without providing an opportunity of hearing to the petitioner. Therefore, the said order also cannot be given effect to unless and until the petitioner is afforded such opportunity.

8.In view of the above, the impugned proceedings issued by the fourth respondent are liable to be set aside solely on the ground of violation of the principles of natural justice.

9. Accordingly, this writ petition is allowed, and the impugned proceedings dated 06.08.2025, 18.08.2025, and 25.10.2025 are



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hereby quashed, while preserving liberty to the competent authority to take such action against the petitioner as may be permissible in law, after affording an opportunity of hearing to the petitioner and passing appropriate orders in accordance with law. All contentions, including the question of the authority's jurisdiction to initiate such action, are left open. No costs. Consequently, the connected miscellaneous petition is closed.

07.04.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

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HEMANT CHANDANGOUDAR, J.

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