

(2010) 02 KL CK 0070

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 3393 of 2010 (Y)

Mr. K.A. George and Others

APPELLANT

Vs

The Udumbannoor Grama Panchayat

RESPONDENT

Date of Decision : 03-02-2010

Acts Referred:

Citation : (2010) 02 KL CK 0070

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Biju Abraham, for the Appellant; V.V. Raja, for the Respondent

Judgement

Antony Dominic, J.—Petitioners, who are owners of poultry farms, have been issued notices by the 1st respondent Panchayat requiring them to close down the poultry farms within 48 hours. Among the contentions raised in these writ petitions filed against the aforesaid notices, it is stated that the applications made by the petitioners for licence are pending consideration of the Panchayat and therefore, the impugned notices are premature.

2. The learned Standing Counsel appearing for the Panchayat has obtained instructions. According to him, notices were issued in pursuance to the interim orders passed by this Court in W.P.(C). 17919/2009 and connected cases. However, a reading of the order itself show that though the Panchayat has been directed to take action, they were also directed to consider the applications made for issuance of licence. Therefore, it was for the Panchayat to consider the licence applications made by the petitioners and communicate the decision so taken, before notices impugned in these writ petitions were issued.

3. Therefore, I am of the view that as at present what is required to be done by the Panchayat is to consider the licence applications submitted by the petitioners, take a decision thereon and communicate the same to the petitioners so that, if aggrieved, the petitioners can avail of statutory remedies against such decision. Needless to say that in case, the decision is adverse and petitioners do not

secure a favourable order, it is always open to the Panchayat to take necessary action even for closure of any unauthorized poultry farms.

4. The writ petitions are accordingly disposed of directing the 1st respondent to take a decision on the applications made by the petitioners for licence, as expeditiously as possible at any rate, within ten days from today. During the said period, the decision taken on the licence applications should be communicated to the petitioners as well. It is directed that until then, coercive action against the petitioners shall not be initiated.