



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD) No.7176 of 2022

and

W.M.P. (MD) No.5430 of 2022

P.Karupusamy

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Ottanchatram Municipality,
Ottanchatram, Dindigul.

3.The Secretary,
Adi-Dravidar and Tribes Welfare Department,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to restrain the second respondent in any way constructing dumping yard in S.Nos.637, 638, 640, 642, 643, 658 and 659 of Kapiliyapatti Village, Ottanchatram Taluk, Dindigul District on the basis of the petitioner's representation, dated 21.03.2022.

For Petitioner : Mr.S.Mahesh Babu
(*) For R1 and R3 : **Mr.Veera Kathiravan**
Additional Advocate General
Assisted by Mr.N.Muthuvijayan
Special Government Pleader

For R2 : Mr.L.P.Maurya

O R D E R

The Writ Petition has been filed in the nature of a Mandamus seeking a restraint against the second respondent, Commissioner, Ottanchanthram Municipality, Dindigul, from constructing "Dumping Yard" in S.Nos.637, 638, 640, 642, 643, 658 and 659 at Kappilyapatti Village, Ottanchatram, Dindigul District. The



petitioner had given a representation on 21.03.2023.

2. In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner possesses agricultural lands at Kappiliyapatti Village in S.Nos.651/1 and 652 in Patta No.1758 and S.Nos.641/1 and 649/1 in Patta No.2119 and he had also constructed a house in S.No.652. He totally has 7 acres and 80 cents of agricultural land. He also has cattle and goats. It had also been stated that the adjacent lands in Patta No.2187 in S.Nos.614/4C, 636/2A, 2B, 2C, 2D, 2E, 637/2B1, 638/1, 638/2, 638/3, 638/4, 638/5, 638/6, 638/7, 638/8, 639/1, 639/2, 639/3, 639/4, 639/5, 640/1, 640/2, 640/3, 640/4, 642/1, 643/2B, 658/1, 658/2, 658/3, 659/1, 659/2, 659/3, 659/4, 659/5, 659/6, 659/7, 659/8 and 659/9 belonged to Selvaraj, Uthirasamy, Chitra and Dhanalakshmi and those lands had been classified as Panjami land and they had executed a gift deed in favour of the second respondent, namely, Ottanchatram Municipality by document, dated 10.08.2021.

3. It had been further stated that the second respondent is making arrangements to construct a "garbage dump yard" in the said land by collecting the waste sewage from the entire Ottanchatram City including the Ottanchatram Central Vegetable Market and medical waste from the hospital and dumping the same in the said lands. The petitioner had stated that he had made a request under the Right to Information Act, and it had been stated that the land is proposed for construction of quarters for workers, dense forest, vehicle shed and constructing composed natural manure. The petitioner claimed that a restraint must be given from constructing the dumping yard.

4. A status report had been filed by the Commissioner, Ottanchatram Municipality. In the status report, it had been stated that since there was no specific dumping yard available for sixteen years, the wastes collected were being dumped in pits and private agricultural lands with the consent of the land owners. There were objections from the general public and there was a necessity to establish a compost yard. It had also been stated that solid wastes are transported through Highways in Dindigul, Palani and Dharapuram roads to a distance of 15-20 kms for storing them in permitted lands. It had been stated that therefore, the lands had been donated by S.Chitra, S.Ishwaryam, S.Sangamithra, Thirumalaiammal and Dhanalakshmi for the purpose of construction of a compost yard to manage the solid waste collected.

5. It had also been stated that necessary resolution has been passed by the Ottanchatram Municipality. It had been further stated that the work had also been sanctioned and estimate had also been approved. Necessary resolutions have also been passed



for digging of bore well, to construct Overhead tank, to construct manure storage tank, to procure bailing machine and to construct a security room. It had also been stated that Rules of the Solid Waste Management Rules, 2016, necessitate setting up a waste processing treatment and it had been stated that necessary approval had been obtained from the State Pollution Control Board and every other authority.

6.It had been stated that the compost would generate natural manure to be produced, which can be used for agricultural purposes. The waste would be sent to cement factories. It had been stated that the petitioner was under a misconception that hospital waste would be dumped and the waste would be used as a garbage dumping unit. It had been clarified that it was not so and a compost yard would be established since the Tamil Nadu Pollution Control Board had also given its approval. The approval of the Tamil Nadu Pollution Control Board has various conditions and stipulations. They are quite extensive in nature and covered all aspects. The authorisation was granted to set up processing, recycling, treatment and disposal of solid wastes of 18 metric tones per day.

(*)7.Heard Mr.S.Mahesh Babu, learned counsel for the petitioner, Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.N.Muthuvijayan, learned Special Government Pleader for the first and third respondents and Mr.L.P.Maurya, learned counsel appearing for the second respondent.

8.The apprehension of the petitioner can be easily visualized by this Court. The petitioner is the owner of agricultural lands measuring 7 acres. He had been leading a peaceful life. However, the lands adjacent to the petitioner were Panjami lands and in occupation of several individuals. The Municipality had been facing difficulties in disposing of solid waste, which has been generated from the residents and other places of the Municipality. They had been dumped in pits, which had been dug up at various places and also in patta lands with permission of pattadhars. But this was not a permanent solution. Therefore under the scheme of Union Government, a compost yard was decided to be set up.

9.There are certain permissions to be obtained from various authorities including the Tamil Nadu Pollution Control Board. Permissions had been obtained. Lands had been gifted. The petitioner was under the impression that garbage and medical waste would be dumped just next to his agricultural lands. However, a perusal of the records show that it is not so. The compost would be generated and it would be re-cycled to produce agricultural manure. This can be used even by the petitioner himself, who is



diverted to Cement Factories. It is thus seen that 1, which is an on-going concept of every waste material, is being now indulged in by the respondents herein. Necessary sanctions have been obtained and estimated cost had also been approved. The petitioner's grievances would certainly be addressed, since the conditions of the Tamil Nadu Pollution Control Board are very very exhaustive in nature. It can also be reduced in writing. They are :

1.The Urban Local Body/Agency shall ensure to comply with the provisions of Solid Waste Management Rules, 2016.

2.The Urban Local Body/Agency shall comply with the orders of the Hon'ble National Green Tribunal, Principal Bench judgement dated 22/12/2016 (Original Application No. 199 /2014 of Mrs. Almitra Patel) and in Application No.606 of 2018 dated 16.01.2019 subsequent orders/judgements thereto in future.

3.The Urban Local Body/Agency shall submit the annual report in Form IV to the Tamil Nadu Pollution Control Board on or before 30th June every year.

4.The municipal solid wastes generated shall be managed and handled in accordance with the compliances criteria and procedures laid down under Schedule I and II of the Solid Waste Management Rules 2016.

5.Leachate from the sanitary landfill must be collected in impervious lagoon and shall be treated and disposed properly.

6.The Urban Local Body/Agency shall ensure that no leachate to reach any water bodies which may lead to eutrophication.

7. The processing facility shall ensure to comply with the disposal standards for treated leachates as per Schedule II(B) of the Solid Waste Management Rules, 2016.

8.The unit shall monitor the ground water quality in and around the land fill sites as per Schedule I of Solid Waste Management Rules, 2016,

9.The Urban Local Body/Agency shall ensure that the segregated plastic waste must be sent to plastic recycling units. The waste plastics shall not be buried



land filled or burnt.

10. Wastes brought to the facility shall not be burnt in open or in any incineration facility.

11. The Urban Local Body/Agency shall ensure that 100% source segregation is practiced in all wards and also ensure that the quantity of solid wastes processed is within the authorised quantity.

12. The Urban Local Body/Agency shall ensure that the e-waste, bio-medical waste and industrial hazardous wastes shall not be brought to the waste processing facility and shall be disposed in accordance with the e-waste Management Rules 2016. Bio Medical Waste Management Rules 2016 and Hazardous and Other wastes (Management and Transboundary Movement) Rules 2016 respectively.

13. The Compound wall shall be provided at each processing facility so as to avoid the entry to stray animals inside the compost shed and carryover of waste to the surrounding by them.

14. The Urban Local Body/Agency shall maintain proper records on the quantum of solid waste processed in the treatment facilities and the quantum of residue disposed to the secure landfill.

15. The Urban Local Body/Agency shall carry out 100% door to door collection of segregated waste and no segregation shall be carried out in the processing facilities of compost centers.

16. The Urban Local Body/Agency shall establish Material Recovery Facilities at suitable place so as to collect non-biodegradable waste such as plastics, glasses, paper etc. and hand over the same to suitable recyclers and end users.

17. The Urban Local Body/Agency shall ensure that operation of the processing facility shall not cause any nuisance to the surroundings.

18. The Urban Local Body/Agency shall effectively implement ban on 'use and throwaway plastics as per G.O. Ms. No. 84 of Environment & Forest Department dated 25.06.2018.

<https://www.mhc.tn.gov.in/judis> 19. The Urban Local Body/Agency shall apply and



obtain separate Authorisation for handling Construction & Demolition waste as per C&D Waste Rules, 2016.

Additional Conditions

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1.The unit shall comply the orders of Hon'ble State Human Right Commission, Tamil Nadu Case No. 8918/22/7/2021/HCP.

2.Only segregated municipal solid wastes shall be bought to the site and the segregation shall not be carried out in the site.

3.Biodegradable organic wastes shall only be composed and other inert and household other wastes shall be disposed through secured landfill.

4.The site shall not be used for dumping of solid wastes.

5.The compost yard shall be made impervious with proper leachate collection system; the leachate collected shall be reused in the compost and it shall not be disposed outside the premises on any account.

6.The local body shall ensure that no leachate finds access to the odai and open wells directly or indirectly.

7.Proper drainage for the collection and disposal of runoff shall be made so that the runoff does not gain access to the compost yard.

8.Test bore wells shall be provided along the outer side of the compound wall to check leachate regularly.

9. The local body shall encourage community composting/home composting so that the quantity of wastes arriving at the site is reduced.

10.The non biodegradable waste such as plastics shall be collected exclusively and it shall be disposed to plastic recycling industries/road construction projects.

11.The approach roads to the disposal site shall be maintained properly.

12.The unit shall continue to develop green belt along the periphery of the unit premises.

13.The unit shall adhere to the Ambient Air Quality/Ambient Noise Level standards as prescribed by the Board and monitor the air quality regularly.

14.The unit shall apply for Consent to Establish for this proposed solid waste processing facility as reported."

10.The respondents are under an obligation to comply with all these conditions. The permission had been granted only under those conditions. I would therefore direct that the compost yard can be built and the petitioner may examine the functioning of the



same for atleast six months. Let it run. Let there be regeneration of waste materials, which is converted to agricultural manure, which can be used for agricultural purposes. Even before the project starts, there cannot be any apprehensions raised.

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11. Let the project run for a minimum of six months and thereafter, the petitioner may give his representation to the authorities about the difficulties, which he had faced during the six months period. If a representation is given, I am confident that the respondents would address the same and a direction is also given to the respondents to address such representation, if given by the petitioner herein, if necessary, by setting up an expert team to address the representation, not only from the petitioner but also from other residents of the said village. But in the initial stage, let the compost factory be opened up and made functional for atleast six months. Giving that particular liberty to the petitioner herein, I would dispose of the Writ Petition by giving a direction to open the compost yard, but at the same time giving that liberty to the petitioner to re-examine and re-visit the entire issue after the period of six months.

12. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

(*) Corrected as per the order of this Court dated 02.06.2023 made in W.P. (MD) No. 7176 of 2022

Sd/-

Assistant Registrar(RTI)

// True Copy //

/05/2023

Sub Assistant Registrar(CS)

Cmr

To

(*) To be substituted to the order already despatched on 17.05.2023

1. The District Collector,
Dindigul District, Dindigul.

2 The Commissioner,
Ottanchatram Municipality,
Ottanchatram, Dindigul.

<https://www.mhc.tn.gov.in/judis>



3.The Secretary,
Adi-Dravidar and Tribes Welfare Department,Chennai.

+1 CC to M/s.S.MAHESH BABU, Advocate (SR-22923[F] dated
21/04/2023)

+1. CC to M/S.L.P.Maurya Advocate SR.No.2590

+1 CC to M/s.SPL.GP (SR-23083[F] dated 24/04/2023)

W.P. (MD) No.7176 of 2022

20.04.2023

MK/15.05.2023 8P 6C

RD/16.06.2023 8P 7C