



W.P.(MD).No.22096 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.22096 of 2021

and

W.M.P.(MD).No.18696 of 2021

Abdul Rahim

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from in any way letting or allowing the excess sewage water into the petitioner's land in S.No.32/1 and 32/3, Endapuli Village, Periyakulam Taluk, Theni District within the time that may be stipulated by this Court.



W.P.(MD).No.22096 of 2021

For Petitioner : Mr.M.Mohamed Nihal
For M/s.Ajmal Associates

For R-1 : Mr.A.K.Manikkam
Special Government Pleader

For R-2 : Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent not to let or allow the excess sewage water to flow into the agricultural lands belonging to the petitioner.

2. The grievance of the petitioner is that he has a patta land and the same is being put to use for the agricultural purposes. The sewage water is let out by the second respondent and as a result, the agricultural activities are getting affected and the petitioner is not able to do any agricultural activities, since the sewage water takes away the fertility of the soil itself. The representation made in this regard also did not evoke any response. Hence, the present Writ Petition was filed before this Court.



W.P.(MD).No.22096 of 2021

3. The second respondent has filed a counter affidavit. The relevant

portions in the counter affidavit are extracted hereunder:

“6. I submit that the Government has sanctioned the G.O.No.23 Municipal Administration and Water Supply Department (WS-III) dated 27.01.2014 for Municipal Administration and Water Supply Department for Providing Under Ground Sewerage Scheme at a project cost of Rs.26,60,00,000/-. Thereafter, the Chief Engineer, Tamil Nadu Water and Drainage Board, Madurai has been approved technical sanction vide C.E.R/TWAD/Madurai No.116/TWAD 2013-2014 dated 19.02.2014 for an estimate cost of Rs.26,60,00,000/- for providing underground sewage scheme. Thereafter, the one part of the Sewage Treatment Plant construction work has been started and completed at Endapuli, Pudukottai. The Sewage Treatment Plant has been functioned from 01.11.2017 for the past four years. As per Detailed Project Report technically sanctioned condition includes of five years of Operation and Maintenance, it has been maintained by the Tamil Nadu Water Supply and Drainage Board and will be carried till 31.10.2022.

7. I submit that the Sewage Water from Periyakulam Area has been collected at the above said Sewage Treatment Plant and under the guideline and rules of Tamil Nadu Pollution Control Board the sewage water was purified and used for Guniea grass agriculture in land



W.P.(MD).No.22096 of 2021

belongs to Periyakulam Municipality. Further the purified sewage water was collected and checked by the rules of Tamil Nadu Pollution Control Board. Furthermore the collected purified sewage water were used for the grass agriculture and at the time of Rainy season according to the moist condition of the land the purified water was used. Moreover in the east side of the agriculture land is inferior as per actual Geological condition, due to this the purified sewage water goes into the Pond and other private agriculture land.

8. I submit that in this regard the extra purified sewage water was planned to stored at Nandiyarkulam Pond by way of draining system and in this regard Rs. 12,00,000/- has been sanctioned for the construction work to deliver the purified sewage water in the year 2020-2021. Moreover to exists the excess water which is already stored in Nandiyarkulam Pond has been started and to lay the pipe line at the Dindigul – Kumuli Highways (Trenchless Method) we have given a requisition to the State Highways Department (Construction and Maintenance), Periyakulam on 07.12.2021 and waiting for their permission.

9. I further submit that it is pertinent to point out here that if the work was completed the purified sewage treatment water will not be flowed at the petitioner agriculture land.”



W.P.(MD).No.22096 of 2021

4. Heard the learned counsel appearing on behalf of the petitioner, the learned Special Government Pleader appearing on behalf of the first respondent and the learned Government Advocate appearing on behalf of the second respondent.

5. In the considered view of this Court, even as per the counter affidavit filed by the second respondent, it is seen that the water is being let out in the adjoining lands and according to the second respondent, it is a purified sewage water which is being let out. However, on seeing the photographs that have been relied upon by the petitioner, there is a serious doubt as to whether the water in question is a purified sewage water. It is stated in the counter affidavit that already steps have been taken for construction of Sewage Treatment Water Plant.

6. It is the look out of the second respondent to deal with the sewage water and they do not have any right to let out this water in the agricultural lands of the petitioner. The second respondent cannot justify this act by stating that what is being let out is the purified sewage water. The respondents have to necessarily take action to deal with the situation and to ensure that the sewage water is not let in to the agricultural land belonging to the petitioner.



W.P.(MD).No.22096 of 2021

7. This Writ Petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

21.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

Nsr

To

- 1.The District Collector,
Theni District,
Theni.
- 2.The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.



WEB COPY



W.P.(MD).No.22096 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD).No.22096 of 2021

21.11.2023