



WEB COPY

W.P. No.10432 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 27.08.2024

DELIVERED ON: 05.09.2024

CORAM:

THE HON'BLE MR. D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No. 10432 of 2023

and WMP.No.10372 of 2023

Shanmuga Sundaram

...Petitioner

Vs

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.
- 3.The District Collector,
Erode District,
Erode – 638 011.
- 4.The District Forest Officer,
Sathyamangalam,
Erode District.
- 5.The District Pollution Control Board,
Erode District,
Erode.



6.The Commissioner,
Puliampatti Municipality,
Puliampatti – 638 459.

7.The Block Development Officer,
Bhavanisagar Panchayat Union,
Bhavanisagar,
Erode District-638 451.

8.The Panchayat President,
Vinnappalli Grade II Panchyat,
Vinnappalli,
Sathyamangalam Taluk,
Erode District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the 6th respondent from putting up Compost Yard in the Government Poromboke land measuring 1.20.0 hectares (2.99 Acres) in Survey No.355/1 of Kurumbapalayam Village, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr.A.E.Ravichandran

For Respondents

For R1 to R4,

R7 & R8 : Mr.Karthick Jagannath
Government Advocate

For R5 : Mrs.Shanmugavalli Sekar
Standing Counsel

For R6 : Mr.Haza Nazirudeen
Senior Counsel
for Mr.B.Anand

ORDER



(Order of the Court was made by MR.JUSTICE P.B.BALAJI, J.)

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The present Writ Petition has been filed as a Public Interest Litigation, seeking to issue a Writ of Mandamus to forbear the 6th respondent/Commissioner, Puliampatti Municipality, Puliampatti, from putting up a Compost Yard in the Government poromboke lands measuring 2.99 Acres, comprised in Survey No.355/1, Kurumbapalayam Village, Sathyamangalam Taluk, Erode District.

2.We have heard Mr.A.E.Ravichandran, learned counsel for the petitioner, Mr.Karthick Jagannath, learned Government Advocate for the respondents 1 to 4, 7 and 8, Mrs.Shanmugavalli Sekar, learned Standing Counsel for the 5th respondent and Mr.Haza Nazarudeen, learned Senior Counsel for Mr.B.Anand, learned counsel for the 6th respondent.

3.It is the case of the writ petitioner that he is a resident of Kurumbapalayam Village in Vinnappalli Panchayat. The Municipality is proposing to put up a Compost Yard in Survey No.355/1, measuring 2.99 Acres which is Government Tharisu Poromboke land, at a total cost of



Rs.53.60 lakhs. The specific allegation of the writ petitioner is that Kurumbapalayam Village and Vinnapalli Panchayat has a population of 23,120 and spread around 4.54 Sq.kms and the main source of livelihood of the villagers is agriculture. According to the writ petitioner, the 3rd respondent/The District Collector, Erode has transferred the subject lands to the 6th respondent/the Commissioner, Puliampatti Municipality for putting up three TPD Compost Yards to convert solid waste collected by the Municipality.

4.The learned counsel for the writ petitioner submits that an earlier attempt to establish a Compost Yard in ward No.10 at Thillai Nagar was opposed by local residents there and writ petitions were also filed before this Court in W.P.Nos.28511 of 2018 and W.P.No.33258 of 2018 and interim stay was also granted by this Court on the ground that no prior approval was obtained from the 5th respondent/Pollution Control Board. Having failed in the said attempt, now the 6th respondent has conceived a proposal to establish the Compost Yard.

5.Further, the grievance of the petitioner is that for transportation of solid waste, the Municipality has to cross more than three



villages to reach Kurumbapalayam village. Objections were also given vide a letter dated 20.07.2021 and the project was strongly opposed on the ground of health hazards, especially affecting the agricultural activities because of pollution that would be caused because of the Compost Yard being established. According to the petitioner, the 8th respondent/Panchayat have also passed a resolution on 04.08.2021, opposing the project and the same was also communicated to the Revenue Inspector, Sathyamangalam Taluk, in and by a letter dated 04.08.2021.

6.It is further stated that the 6th respondent/Municipality has started levelling activities for going ahead with the Compost Yard project and a representation was given on 01.03.2023, opposing the project on various grounds and despite the same, the 6th respondent/Municipality is proceeding with the work. The learned counsel for the writ petitioner would therefore pray that the writ petition is allowed in order to save the livelihood of men and also animals in the locality.

7.Per contra, learned Government Advocate for the respondents 1 to 4, 7 and 8, on written instructions, would submit that the Compost Yard was sanctioned under Swatch Bharath Mission 2018-2019 and as per the



Government Order (status) No.114 dated 28.02.2011, the District Collector had allotted the solid waste management work to the 6th respondent/Municipality, based on which, the 6th respondent has commenced the work. In fact, according to the respondents, the work was completed and at that stage, the present writ petition has been filed. A committee was formed as per the directions of this Court dated 25.07.2024 and on 08.08.2024, the committee members inspected the site and also filed a report. According to the respondents 1 to 4, 7 and 8, the Tamil Nadu Solid Waste Management Rules 2016 mandate collection of segregated waste as wet and dry and further, the wet waste needs to be processed into manure in a scientific manner for which alone the Compost Centre has been constructed.

8. According to the respondents, there will be no storage or dumping of waste anywhere and the process of solid waste management has been successful in Tamil Nadu for more than five years. The learned counsel for the respondents would further submit that the Compost Yard would not affect the agricultural activities or the health of men and animals. Further, according to the respondents, there is also no habitation within 500 metre radius and further, tree plantation would be undertaken around the site and



therefore, there is no merit in the claims of the writ petition.

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9.The learned Standing Counsel for the Pollution Control Board would submit that the activity which is proposed to be undertaken by the respondents 1 to 4, in the nature of the Compost Yard requires a no objection from the Pollution Control Board and on instructions, the learned Standing Counsel would submit that as on date, the respondents 1 to 4 have not obtained any such No Objection Certificate from the Pollution Control Board.

10.Considering the above and also the nature of the activities proposed, namely segregation of solid waste in the site and requirement of consent from the Pollution Control Board, we deem it fit to pass the following orders.

(i) The respondents 1 to 4 shall not commence or carryout any solid waste management activities in the subject lands, without obtaining a prior No Objection Certificate from the 6th respondent/Pollution Control Board.

(ii) It is also made clear that the petitioner is at liberty to file his objections before the Pollution Control Board and the 6th respondent shall



objectively consider all the objections put forth by the petitioner and take a decision with regard to granting or declining of a no objection, in accordance with law.

(iii) It is always open to the petitioner to challenge any decision of the Pollution Control Board, if aggrieved, in a manner known to law.

11. With these above directions, the writ petition is disposed of.
No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(D.K.K., A.C.J.,) (P.B.B.J.,)

05.09.2024

Internet: Yes/No
Index : Yes/No
Speaking Order/Non Speaking Order
ata

To

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Pre-delivery Order in

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