

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18/12/2015

C O R A M

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.30286 of 2015

S. Senthil

...Petitioner

Vs

The Commissioner
Vellore City Corporation
Vellore.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondent from depositing the debris and wastages in Sathupalayam Panchayat Village S.Nos.4/2, 5/1, 5/2 and 6/7.

For petitioner ... Mr.Margabandhu
for Mr.P.Ganapathy
For respondents ... Ms.P.Shanthi

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.Margabandhu for Mr.P.Ganapathy for the petitioner and Ms.P.Shanthi, learned Standing Counsel for the Corporation.

3. This writ petition has been filed praying to forbear the respondent from depositing the debris and wastages in Sathupalayam Panchayat Village S.Nos.4/2, 5/1, 5/2 and 6/7.

4. The petitioner is a elected Ward Member of the Sathupalayam Panchayat Board and he is concerned about the dumping of garbage in his Village by the respondent Corporation.

5. The learned counsel appearing for the petitioner, after elaborately referring to the factual position, submitted that the lands which have been chosen by the Corporation is situated in their Village and if the garbage is dumped, the underground water will be polluted and it will be a health hazard to the villagers.

6. Further more, the entire population of the Village would have to be evacuated and this issue was widely reported in the newspaper. Further, if the garbage is allowed to be dumped, it would be hazardous and the authorities are proceeding in the manner, without following any of the rules and regulations nor the manner in which the solid waste has to be handled, as observed by the Honourable Supreme Court, in ALMITRA H.PATEL AND ANOTHER Vs. UNION OF INDIA AND OTHERS (AIR 2000 SC 1256).

7. The learned Standing Counsel for the Corporation by drawing attention of this Court to the No Objection Certificate dated 8/4/2004 issued by the Tamil Nadu Pollution Control Board, submitted that several conditions have been imposed by the Pollution Control Board and unless and until the respondent comply with all the conditions, they will not be in a position to establish the compost yard. Further, it is submitted that scientific measures are being adopted, to ensure that the ground water is not affected.

8. In fact, the very same issue has been canvassed before the Honourable First Bench of this Court by way of Public Interest Litigation in W.P.No.31836 of 2015. In the said writ petition, all the issues are being considered and the respondent Corporation has also filed a counter affidavit in the said writ petition setting aside the steps taken by them to ensure that compost yard is established and activities are carried on after complying with all the conditions issued by the Pollution Control Board and other authorities.

9. Since the matter has already been seized of by a Public Interest Litigation, the question of entertaining another writ petition for the same cause of action does not arise. More so, when the petitioner also seeks to protect the interest of the Villagers, however, if the petitioner is still aggrieved, then he may seek for impleadment in the Public Interest Litigation, which is pending or assist the petitioner therein, by providing adequate materials.

10. In the light of the above, the writ petition is closed, leaving it open to the petitioner, to work out his rights, in the manner known to law. Accordingly, interim order granted in the writ petition stands vacated. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

The Commissioner
Vellore City Corporation
Vellore.

+1cc to Mr.P. Ganapathy, Advocate, S.R.No.68636
+1cc to M/s. P. Shanthi, Advocate, S.R.No.68500

SVI (CO)
EU (05/01/2015)

W.P.No.30286 of 2015



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