

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.01.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SATHYANARAYANAN

W.P. No.31836 of 2015

V.Satheesh Babu

.. Petitioner

-vs-

1.The District Collector,  
Vellore District,  
Collector Office, Sathuvachari,  
Vellore.

2.The Commissioner,  
Vellore Municipal Corporation,  
Vellore.

3.The Vellore City Mayor,  
Vellore Municipal Corporation,  
Vellore.

4.The Pollution Control Officer,  
Pollution Control Office,  
Auxilium College Road,  
Gandhi Nagar, Vellore.

5.The Block Development Officer,  
Anna Salai, Vellore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the 2<sup>nd</sup> respondent from depositing the solid waste and debris at Sadupperi Village Panchayat in Survey Nos.153/3A, 3-C, 3-F, 351/2A, 353/1B, 353/3A, 356/2B, 356/3B, 356/5A, 356/6A, 356/7A, 362/3B3, 362/5B, 366/3B and 369/4B.

For Petitioner : Ms.Bhavani Subbarayan for  
M/S.Royan Law Associates

For Respondents : Mr.S.T.S.Murthi,  
Govt. Pleader,  
for RR 1 & 5  
: Mr.R.Muthukumarasamy, S.C.  
For Ms.P.Shanthi, for RR 2 & 3  
: Ms.H.Yasmeen Ali, for R-4

\* \* \* \* \*

#### O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The work related to 42 decentralized compost yards is stated to be substantially over. However, our concern is that the undisputed position emerging before us shows that the permission from the Tamil Nadu Pollution Control Board has not been obtained as mandated under Rule 4 of the Municipal Solid Wastes (Management and Handling) Rules, 2000 (hereinafter referred to as 'the said Rules').

2.Learned senior counsel appearing for the Corporation has invited the attention of this Court to the status report dated 19.01.2016 and would submit that sites for 42 sheds have been identified, contractors have also been selected and construction of sheds have been completed and are functional as on date. The remaining are under construction / not put to use / yet to be started. He prays for necessary permission to compost the garbage in respect of 23 completed sheds, which are said to be functional as on date and states that an application for such permission, post inspection activity, has been made in January 2016.

3.But, the learned counsel for the Pollution Control Board expresses his lack of knowledge of the same. If the aforesaid application is already with the Pollution Control Board, necessary action be taken within two (2) weeks to process the application and if it is not available, the Corporation will ensure that forthwith the application is made available for the Pollution Control Board to do the needful.

4.It is represented that dumping is going on in the area at Sadupperi for more than 60 years. In the light of the difficulty faced by the Vellore City Municipal Corporation, they are permitted to dump garbage in 23 completed sheds, which are functional as on date as per the status report and as and when necessary permission is obtained under the said Rules, they should ensure that proper segregation is taking place and it is

to be further ensured that no health hazards is caused to the residents of the locality.

5.The other measures to be taken and the progress in respect of the same like construction of compound wall around the yard, leachate collection, drain and sump, etc. have also been set out in the status report.

6.In so far as the construction of other compost yards is concerned, they can finish up the construction, but they can operate only after obtaining necessary permission under Rule 4 of the said Rules.

7.It is pointed out that the stay granted by the learned Single Judge, noticed in our last order, has since been vacated.

8.Writ Petition stands disposed of in the aforesaid terms.  
No costs

9.List for compliance on 28.03.2016.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sra  
To

1.The District Collector,  
Vellore District,  
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2.The Commissioner,  
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4.The Pollution Control Officer,  
Pollution Control Office,  
Auxilium College Road,  
Gandhi Nagar, Vellore.

5.The Block Development Officer,  
Anna Salai, Vellore.

6. The Section Officer, Writ Section,  
High Court, Madras

+1 cc to Mr.H.Yasmeen Ali Advocates sr.5730

+1 cc to M/S.Royan Law Associates Advocates sr.4683

+1 cc to M/S.P.Shanthi Advocate sr.4850

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SAI (co)  
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