



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :13.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.12085 of 2016

and

WMP (MD) No.9213 of 2016

P.Ragunanthakumar

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Executive Officer,
Palanichettipati Town Panchayat,
Palanichettipatti, Theni.

3. The Public Health Officer,
Theni.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 20.06.2016.

For Petitioner

...Mr.H.Velavadhas

For R-1 & R-3

...Mr.G.Muthukannan,
Government Advocate

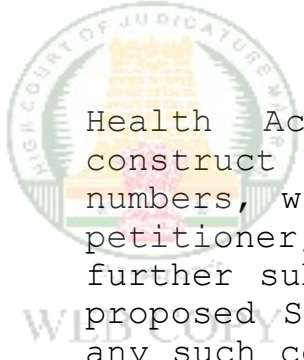
For R-2

...Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

The petitioner Mr.P.Ragunanthakumar, has filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents to consider his representation, dated 20.06.2016, wherein he requested the District Collector, Theni, not to put up any Sewage Treatment Plant in Survey Nos.1447 and 1448/3-4 situated at Veerapandi Village, Palanichettipatty Town Panchayat.

<https://hcservices.courts.gov.in/hcservices>
without considering the representation made by the petitioner, dated 20.06.2016, violating Section 32 of the Tamilnadu Public



Health Act, the respondents are arbitrarily proceeding to construct Sewage Treatment Plant in the above said survey numbers, without giving sufficient distance from the house of the petitioner, to the proposed Sewage Treatment Plant. He has further submitted that only 23 feet distance is left between the proposed Sewage Treatment Plant and the petitioner's house. If any such construction is allowed to take place, the petitioner and his neighbours will not be in a position to live happily by inhaling the odd smell emanating from the Treatment Plant.

3. Mr.G.Muthukannan, learned Government Advocate takes notice for the respondent Nos.1 and 3 and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the second respondent.

4. The learned Additional Government Pleader appearing for the second respondent would submit that as complained by the petitioner, the second respondent is not having proposal for constructing Sewage Treatment Plant in the above said survey numbers, on the other hand, they are going to have only Pumping/Lifting Station with all sophisticated technologies which are once installed, that might not create any odd smell in the vicinity. It is also stated that now the contract has been given by the TWAD Board to Contractor. Therefore, if the petitioner is directed to give one more copy of the representation to the Executive Engineer TWAD Board, Theni, it would be easy for both the District Collector and the TWAD Board, to take immediate action thereon.

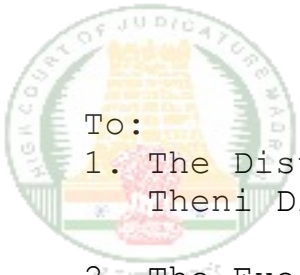
5. In view of the above, the petitioner is directed to give one more copy of the representation, dated 20.06.2016, to the Executive Engineer, TWAD Board, Theni, forthwith and on receipt of the same, the District Collector, Theni and the Executive Engineer, TWAD Board, Theni, are directed to dispose of the petitioner's representation, on merits and in accordance with law, within a period of three weeks thereafter. Till the disposal of the said representation, the respondents shall maintain status-quo.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writ)

/True Copy/



To:

1. The District Collector,
Theni District, Theni.
2. The Executive Officer,
Palanichettipati Town Panchayat,
Palanichettipatti, Theni.
3. The Public Health Officer,
Theni.
4. The Executive Engineer,
TWAD Board, Theni.

+1cc to M/s.T.S.Mohamed Mohideen, Advocate, Sr.No.36194

+1cc to M/s.H.Velavadhas, Advocate, Sr.No.36286

pm

JM/SK-SKN/SAR-I/13.07.2016/3P-7C

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