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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. [MD] .No.15094 of 2016
and
W.M.P. (MD) .No.11130 of 2016

Indira Public Welfare Association,
rep. by its Secretary,
S.Madurai Veeran : Petitioner

Vs.

- 1.The District Collector,
Dindigul, Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul, Dindigul District.
- 3.The Commissioner,
O/o.the Commissioner,
Dindigul Corporation, Main Road,
Dindigul, Dindigul District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent No.3 from dumping the wastes of 48 wards of Dindigul District at Indira Nagar, Muruga Bhavanam, Chettinayakkanpatti Village, Dindigul Taluk, Dindigul District.

For Petitioner : Mr.T.Lajapathi Roy

For respondents 1 & 2 : Mr.Ayiram K.Selvakumar ,
Government Advocate

For 3rd respondent : Mr.J.Lawrance

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is an association known as Indira Public Welfare Association. The same is represented by its Secretary one Mr.S.Madurai Veeran. The said association has come up with this



Public Interest Litigation seeking a Mandamus to forbear the respondent No.3 from dumping wastes collected from 48 wards of Dindigul at a vacant place at Indira Nagar, Muruga Bhavanam, Chettinayakkanpatti Village, Dindigul Taluk, Dindigul District..

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2. According to the petitioner, dumping the wastes at the said place have been causing health hazards to the people residing in that locality.

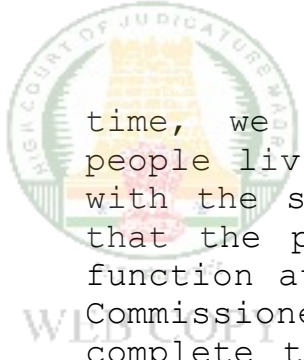
3. In the counter affidavit filed by the third respondent, it is stated that the said place is used from the year 1961 onwards by the Corporation for the said purpose and that now the Corporation has proposed to establish a processing unit (Solid Waste Treatment Plant) by adopting latest technology for municipal waste at Ponnimanthurai, Sinthalakottai Village, Athoor Taluk, Dindigul District. It is further stated that already administrative sanction has been given by the Commissioner for Municipal Administration, Chennai in RoC.No.16099-1/2016/P3, dated 04.07.2016 and a sum of Rs.4.35 Crores has also been sanctioned as per G.O.Ms.No.105, Municipal Administration Water Supply Department, dated 21.07.2016.

4.The Commissioner, Dindigul Corporation, who has made appearance before this Court in person, submitted that technical sanction is awaited from the Commissioner for Municipal Administration and the same is expected to be granted within a period of ten days from today. He further submitted that after obtaining technical sanction, tenders have to be floated by the Commissioner, Dindigul Municipal Administration and thereafter, the work has to commence. Ultimately, to make the processing unit functional, according to him, it may take two years. He would further submit that as soon as the processing unit becomes functional, they would start dumping the wastes only in the processing unit and there shall be no more dumping of waste in the dumping yard at Indira Nagar. The said statement is recorded.

5.The learned counsel for the petitioners would submit that the writ petition may be closed recording the above statements.

6. We have considered the above submissions.

7. In our considered view, since the present place is used as a dumping yard from the year 1961 onwards, we cannot suddenly stop the Corporation from using the same as dumping yard. At the same



time, we cannot ignore the apprehended health hazards of the people living in that locality. Now, the petitioner is satisfied with the statement made by the Commissioner, Dindigul Corporation that the processing unit is going to be established and it will function at a different place. We agree with the submission of the Commissioner that it may take minimum two years for them to complete the process for establishment of the said unit and then to make it functional.

8. In view of the above, we grant two years time for the Corporation to establish the processing unit and then to make it functional. Until then, they are permitted to use the present yard for dumping wastes with adequate care to prevent any possible health hazards for the people living in that locality.

9. With the above direction, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul, Dindigul District.
2. The Revenue Divisional Officer,
Dindigul, Dindigul District.
3. The Commissioner,
O/o. the Commissioner,
Dindigul Corporation, Main Road,
Dindigul, Dindigul District.

+1 cc to MR. T. LAJAPATHI ROY, Advocate Sr.No.51192

+1 cc to Special Government Pleader Sr.No.51520

+1 cc to M/S. J. LAWRENCE, Advocate Sr.No.51021

Order made in
W.P. [MD]. No. 15094 of 2016
Dated: 08.09.2016