



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].Nos.11807 of 2013 and 21587 of 2015

and

M.P.(MD).No.1 of 2013 in W.P.(MD).No.11807/2013

and

M.P.(MD).No.1 of 2015 in W.P.(MD).No.21587/2015

W.P. (MD).No.11807 of 2013:

S.Martin Joseph

.. Petitioner

Vs.

1.The District Collector,
Sivagangai, Sivagangai District.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi.

3.The Commissioner,
Devakottai Municipality,
Devakottai.

4.The Tahsildar,
Karaikudi.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to shift the dumping for garbage and solid waste that emanates from Karaikudi Town and other areas into the land situated Ward No.17, Block No.11, T.S.No.468 Rayathu Manai, Measuring 12 acres and 93 cents and Ward No.17, block No.11, T.S.No.469/1, Rayathu Manai, measuring 1 Acre and 43 cents both at Karaikudi Town, near Devakottai Rastha Village to any other appropriate site which does not affect the public health and safety.

For Petitioner : Mr.AL.Kannan

For respondents 1 & 4 : Mr.Aayiram K.Selvakumar,
Government Advocate



For 2nd respondent : Ms.K.Elil Selvi

For 3rd respondent : No appearance

W.P. (MD) .No.21587 of 2015:

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Rastha Resident's Rights and Welfare
Association, rep. by its President,
Martin Joseph,
S/o.Sebastin,
No.30, Vasandhan Nagar,
Rastha, Karaikudi-630 005.

.. Petitioner

Vs.

The Commissioner,
Karaikudi Municipality,
Karaikudi.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to shift the existing plan of STP (Sewage Treatment Plant) project from Town Survey Nos.545/2, 552/8, 552/9 and 561 Ward 16 and Block No.16 of Karaikudi Revenue Village and Taluk, Sivagangai District to any other appropriate place which does not affect the public health and safety.

For Petitioner : Mr.R.M.Arun Swaminathan

For respondent : Ms.K.Elil Selvi

COMMON ORDER

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

The issues involved in these writ petitions are to be examined by the National Green Tribunal. It is reported that similar matters are already pending before the National Green Tribunal. In view of the above, these Writ Petitions are dismissed with liberty to the petitioners to work out their remedy before the National Green Tribunal. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Sivagangai, Sivagangai District.

2.The Commissioner,
Karaikudi Municipality,
Karaikudi.

3.The Commissioner,
Devakottai Municipality,
Devakottai.

4.The Tahsildar,
Karaikudi.

+1cc to M/s H.Mohammed Imran Advocate Sr.No. 67142

+1cc to Spl.Government Pleader Sr.No. 66629

JAM/18.11.16/CK/3p-7c

Order made in
W.P.[MD].Nos.11807 of 2013
and 21587 of 2015
07.11.2016