

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Ms.JUSTICE P.T.ASHA

W.P. No.13178 of 2018
and W.M.P.No.15512 of 2018

S.Sethupathy

.. Petitioner

-vs-

1.The District Collector,
District Collectorate,
Nagapattinam District.

2.The Tahsildhar,
Vedaranyam Taluk,
Nagapattinam District.

3.The Commissioner,
Vedaranyam Municipality,
Nagapattinam District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to consider the petitioners representations dated 19.03.2015 8.6.2017 and 12.02.2018 consequently direct the respondents shift the proposal to construct the compost yard in R.S.No. 151 Vedaranyam part Village Vedaranyam Taluk Nagapattinam district to some other place available in three k.m. from the proposed site.

For Petitioner : Mr.S.N.Subramani

For Respondents : Mr.E.Manoharan,
Addl.G.P. For RR 1 and 2

: Mr.I.Satish,
Addl.G.P. For R-3

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O R D E R

(Made by Ms.Indira Banerjee, Chief Justice)

In this writ petition, the petitioner has prayed for orders of this Court directing the respondents being the District Collector, Nagapattinam District, the Tahsildhar, Vedaranyam Taluk, Nagapattinam District and the Commissioner, Vedaranyam Municipality, Nagapattinam District, to consider the representations of the petitioner dated 19.03.2015, 08.06.2017 and 12.02.2018 and to shift the site proposed for construction of a compost yard, which is, R.S.No.151, Vedaranyam Part Village, Vedaranyam Taluk, Nagapattinam District, to some other place.

2.According to the petitioner, the petitioner is a social worker of the village, where about 700 families reside. The petitioner is aggrieved by the proposal to construct a garbage compost yard, which, according to the petitioner, is on land used by the villagers for temple functions during Adi Amavasai, Thai Amavasai and Masi Magam.

3.It is also alleged that the respondents did not get permission of the Pollution Control Board to set up the garbage compost yard on the land in question. The setting up of the compost yard would, according to the petitioner, cause the spread of contagious diseases like Chickengunya, Swine Flu, Malaria, Dengue, Floriga and other water born diseases. Mosquitoes and Flies would breed in the dumping yard. Due to stagnation of water, drinking water in the village would be contaminated.

4.The averments in the writ petition, appear to be vague and of a general nature. It is difficult to comprehend how drinking water supply can be affected by the setting up of a garbage compost yard.

5.Mr.Manoharan, appearing on behalf of the respondents, submits, on instructions, that the garbage compost yard is going to be a micro-compost yard for making organic manure. Wastes dumped at the compost yard will be treated and made into manure and used for agriculture. There is no question of dumping of materials other than vegetables, etc., and there is no question of spreading of diseases by reason of the setting up of the garbage compost yard.

6.The petitioner has, in the writ petition, sought shifting of the site to some other place available three kms. away. It is not for this Court exercising jurisdiction under Article 226 of the Constitution of India to decide which site would be

appropriate or suitable for construction of a garbage compost yard. The interference of this Court is not warranted.

7.The writ petition is, accordingly, disposed of, with the direction on the third respondent being the Commissioner, Vedaranyam Municipality, to ensure that the garbage compost yard does not inconvenience the public, that there is no foul smell, there is treatment of the garbage and no infection spreading materials are dumped in the compost yard. No costs. Consequently, W.M.P.No.15512 of 2018 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
District Collectorate,
Nagapattinam District.
- 2.The Tahsildhar,
Vedaranyam Taluk,
Nagapattinam District.
- 3.The Commissioner,
Vedaranyam Municipality,
Nagapattinam District.

+1cc to Mr.S.N.Subramani, Advocate sr.no.35622
+1cc to Mr.I.Sathish, Advocate sr.no.35085
+1cc to Government Pleader in sr.no.35315

nr 21/06/2018

W.P.No.13178 of 2018