

In the High Court of Judicature at Madras

Dated : 06.7.2018

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SESHASAYEE

Writ Petition No.16274 of 2018 & WMP.No.19379 of 2018

Raj KumarPetitioner

Vs

1.The District Collector,
Erode District.

2.The Joint Director, Town
Panchayats, Erode.

3.The Block Development Officer,
Kodumudi, Erode District.

4.The Tahsildar, Kodumudi,
Taluk, Erode District.

5.The Special Officer, Kollankovil
Town Panchayat, Kodumudi Taluk,
Erode District.

....Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 20.6.2018 regarding the construction of solid waste management garbage yard in the centre of Kandasampalayam Village, Kollankovil Town Panchayat, Kodumudi Taluk, Erode District-638109 and further direct the respondents to construct the proposed site at some other place.

For Petitioner : Mr.S.Silambu Selvan
For Respondents 1 to 4 : Mr.Kamalesh Kannan, GA
For Respondent-5 : Mr.K.Sathishkumar

Order of the Court was made by T.S.SIVAGNANAM,J

Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is a resident of Kandasamypalayam, Kollankovil Village, Kodumudi Taluk, Erode District. This writ petition has been filed as a public interest litigation on behalf of the petitioner as well as on behalf of other villagers resisting the attempt made by the respondents to construct a solid waste management garbage yard in the heart of the town panchayat adjacent to the primary health centre and also a place earmarked for weekly shandy where 18 villages in the surrounding area can have a sale of their produces.

3. It is submitted by the learned counsel for the petitioner that earlier, twice there were attempts to locate the solid waste management plant in the same location, which were opposed by the residents and that the proposals were dropped. However, as of now, hectic efforts are taken to locate the solid waste management plant in the same location ignoring the representations given by the villagers. Since there is no elected body managing the affairs of Kollankovil Village, the petitioner would state that the grievances of the local public are not addressed in a proper manner.

4. When the case came up for hearing on 05.7.2018, the learned Government Advocate appearing for respondents 1 to 4 as well as the learned counsel for the fifth respondent were directed to get instructions. Accordingly, written instructions have been given by the fifth respondent, from which, it is seen that there is a proposal for construction of a solid waste management plant in the said location and that a sum of Rs.29.15 lakhs has been allocated for the said project. The learned counsel appearing for the fifth respondent further submits that a meeting was convened by the fourth respondent on 05.7.2018 i.e. Yesterday and a report has been sent to the District Collector.

5. The learned counsel for the petitioner, on instructions, submits that no such meeting was convened.

6. The photographs and the rough sketch produced show that location of the solid waste management plant is in the centre of the town adjacent to Muthur - Kandasamypalayam Road.

7. We are conscious of the fact that the solid waste management initiative has to be taken. But, while implementing the project, it should be ensured that the local public are not affected, especially, in the instant case, when the petitioner states that it is going to be adjacent to a weekly shandy and a primary health centre. The photographs show that garbage has been dumped and that there is also burning of garbage. Therefore, the District Collector should look into the

grievances of the petitioner and the other villagers.

8. Accordingly, the writ petition is disposed of by directing the first respondent to consider the representation of the petitioner dated 20.6.2018, afford an opportunity of personal hearing to the representative of the village and take a pragmatic decision in the matter as expeditiously as possible. Till such decision is taken by the first respondent, no steps shall be taken by the respondents to establish the solid waste management plant in the location in question pursuant to the proceedings of the Director of Municipal Administration dated 22.2.2018. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector, Erode District.
- 2.The Joint Director, Town Panchayats, Erode.
- 3.The Block Development Officer, Kodumudi, Erode District.
- 4.The Tahsildar, Kodumudi Taluk, Erode District.
- 5.The Special Officer, Kollankovil Town Panchayat, Kodumudi Taluk, Erode District.

+1cc to Mr.K.SATHISHKUMAR, Advocate, S.R.No.43768
+1cc to Mr.S.SILAMBUSELVAN, Advocate, S.R.No.43828

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