

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.12.2018

CORAM:
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P.No.34639 of 2018
and
W.M.P.Nos.40161 & 40164 of 2018

1. A.Kandhasamy
2. T.Kannan
3. P.Shusender
4. P.Ramakrishnan
5. G.Madheswaran
6. M.Ganesan
7. A.Sakthivel
8. R.Kannan

... Petitioners

Vs.

1. The Collector,
Salem District,
Salem.
2. The Sub-Collector,
Mettur,
Salem District.
3. The Assistant Director of Town Panchayat,
Salem District,
Salem.
4. The Executive Officer,
P.N.Patti Town Panchayat,
P.N.Patti, Mettur Taluk,
Salem District.
5. The Tahsildar,
Mettur,
Salem District.
6. The Deputy Superintendent of Police,
Mettur,
Salem District.
7. The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk,
Salem District.

.. Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus forbearing the respondents from putting up the construction of Compost Pit Unit in S.No.586/2 to the extent of 2 acres at Ramamoorthy Nagar, Thengalvarai, P.N.Patti Town Panchayat, Mettur Taluk, Salem District.

For Petitioners : Mr.V.Elangovan

For Respondents : Mr.D.Suryanarayanan,
Additional Government Pleader

O R D E R

The petitioners have come up with this Writ Petition seeking to forbear the respondents from putting up the construction of Compost Pit Unit in S.No.586/2 to the extent of 2 acres at Ramamoorthy Nagar, Thengalvarai, P.N.Patti Town Panchayat, Mettur Taluk, Salem District.

2. The learned counsel for the petitioners submitted that the petitioners are the residents of P.N. Patti Town Panchayat. There are 1500 families residing in the Ward Nos.10, 11, 12, 13 and 14 of the said panchayat. The 4th respondent visited the 11th ward, in order to construct the Centralized Compost Pit including the organic and other waste to an extent of 2 acres, in S. No.586/2 P.N. Patti Village. Hence, the petitioners raised their objections to the proposed move. It is further stated that the matter was not resolved even in the Peace Committee Meeting but the petitioners are threatened with dire consequences by the respondents. According to the petitioners, the proposed place for construction of the compost unit is very very close to the residential area and the families of all the five wards will be seriously affected with bacterial infection and several diseases.

3. Learned counsel for the petitioners contend that there are sufficient space available in other places in S.No.278 at Thalaiyur Village without causing any hindrance to public and cattle, instead of attempting to construct a compost pit, which is very close to the residential area of the petitioners. According to the learned counsel, the 4th respondent had already started dumping the wastages of other area and burning the same which causes severe air pollution.

4. It is further contended by the learned counsel for the petitioner that the 4th respondent, has proposed to convert the area into an industrial and highly polluting Micro Compost Plant within a thickly populated residential zone, which directly affects and negates the health of the general public. According

to the learned counsel, at any point of time, the open space in a residential area, cannot be converted into Godowns, causing environmental hazards. He also contended that the 4th respondent has not taken into consideration the serious objections raised by the residents of that area. He pointed out that there is already a compost pit to an extent of 600 sq.ft., in the same survey number. Since the same was objected, the 4th respondent gave an undertaking that only the wastages of 11th ward alone will be dumped. Now, the respondents have occupied huge area to an extent of 2 acres for the compost pit and have proposed to dump the entire wastages of P.N.Patti Panchayat, SIDCO chemical wastages and Mettur Town Panchayat wastages.

5. On the other hand, learned Additional Government Pleader appearing for the respondents produced a letter in Na.Ka. No. 126/2018 dated 27.12.2018 of the 4th respondent contending that for the 2 acres of land in 11th ward Ramamoorthy Nagar, P.N.Patti Town Panchayat comprised in S.No. 586/3, under the scheme construction of compost pit, the fund of Rs.35.30 lakhs have been sanctioned and the same is proposed to be utilised for construction of compound wall, security room, drinking and water facility. There is no proposal to construct a compost pit in Survey No.586/2. It is further contended that it has been proposed to convert the wastages into manure, under the Solid Waste Management Scheme and so the wastages will not be burnt. He has also pointed out that implementation of Micro Composting facility will prevent entry of food waste into the environment and it is only for the benefit of the public. According to the learned Additional Government Pleader, setting up of a Micro Compost Plant in that area is not going to cause any harm to anyone.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. As per the Municipal Solid Waste Rules, 2016, the local body is required to set up Municipal Solid Waste handling facility as well as Micro Composting Facility within a small geographical area, so that the highly bio-degradable wastes, such as vegetables, fruits and food waste can be reused by means of micro composting, where, the end-product viz. manure can be effectively used for gardening and agriculture. It is the further case of the respondents that the Micro Composting facility is proposed to be constructed with a compound wall, with a Toilet for the workers engaged in the composting facilities to prevent open defecation in the area, apart from a small storage room for the safe storage of the packaged manure meant for disposal.

8. Though the petitioners have raised genuine issues as regards pollution of all sorts due to the setting up of Micro Compost Plan in their area, this Court opines that the garbage that is dumped in and around the area, will be collected by the workers of Micro Compost Yard and segregated into bio-gradable wastes and non-bio-degradable wastes, to ensure that the place is neat. As regards pollution, it has been proposed to carry the composting in hermetically constructed tubs using bricks and concrete of proper specifications for water proofing and will be self-contained to prevent any spread of decaying matter or leachate into the surrounding environment.

9. Ecology has been completely destroyed by human beings by encroaching OSR, playgrounds, river bunds, lakes, etc. But the official respondents must ensure that the waste has to be disposed of in a scientific manner. In a developing country, technicalities should not be a bar for development. When a public park is a gift of modern civilization, Open Space Reserve is the lung space and setbacks are for the purpose of rain harvest, Micro Compost Yards are essential for disposal of the waste, so that it will not endanger the health of the citizens, more particularly, children, who are likely to be affected on account of mosquitoes, flies, etc, which cause air borne and water-borne diseases. When citizens want development, certainly, they will have to co-operate for the betterment of the environment and ensure that no pollution is caused on account of their attitude in disposing of the waste from their respective residence.

10. Residents/citizens cannot expect the authorities to identify a different place far away from the place of residence to have a Compost Yard and that there is a possibility of the residents of that area to object for setting up of a Compost Yard for disposal of the waste which are not generated from their residence.

11. Now that the Government has come up with effective policies in segregation of wastes of all kinds, people are expected to welcome such measures and must co-operate with the authorities in maintaining a healthy environment. Even though garbage bins are set up in every street, it is painful to see people throw garbage near the bin and not into the bin. From stone-age, we have come to the modern era. Certainly development is required for our betterment and hence, technicalities should not come in the way that may be detrimental to the development of the Society.

12. When the 4th Respondent is discharging / performing his statutory obligation as panchayat towards implementing the Government sponsored scheme for Solid Waste Management, the

Petitioner, in the considered opinion of this Court is not entitled to seek any relief, as sought for in the Writ Petition. Consequently, the Writ Petition fails.

13. In fine, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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Salem District,
Salem.
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Mettur Taluk, Salem District.

+1cc to Mr.V.Elangovan, Advocate, S.R.No.90114
+1cc to the Government Pleader, S.R.No.168

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VGII(CO)
rrs 13/02/2019