



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

W.P. (MD) No.11881 of 2018

and

W.M.P. (MD) Nos.10839 and 10840 of 2018

M.Peermaasthan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli 627 009.

2.The Director of Town Panchayat,
Chennai 600 001.

3.The Assistant Director (Town Panchayat),
Regional Office,
Tirunelveli Collectorate,
Tirunelveli District 627 009.

4.The Executive Officer,
Veeravanallur Town Panchayat,
Veeravanallur,
Tirunelveli District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned sub rule to the Solid Waste Management Rule 2016 framed by the respondents 3 and 4 dated 20.07.2017 under reference Na.Ka.No.91/2017 on the file of Veeravanallur Town Panchayat, Tirunelveli District and subsequently, quash the Annexure-A alone of the said sub-rule with regard to arbitrary fixation of Solid Waste Usage Charges on the irrational basis and further direct them to re-fix the same in conformity with other nearby Town Panchayat sub-rule and also prevailing factual circumstances in the said Town Panchayat in pursuance of the petitioner's representation dated 11.04.2018 forthwith.

For Petitioner

: Mr.S.Palani Velayutham

For Respondents

: Mr.R.Sethuraman, Spl.G.P.for R1 to R3

Mr.R.Murugan, AGP for R4

**ORDER****(Order of the Court was made by C.T.SELVAM,J.)**

By consent, Writ Petition itself, is taken up for final disposal.

WEB COPY

2.Mr.R.Sethuraman, Learned Special Government Pleader takes notice for respondents 1 to 3 and Mr.R.Murugan, Learned Additional Government Pleader takes notice for the 4th respondent.

3.This Writ Petitioner seeks for issuance of a Writ of Certiorarified Mandamus, to quash Annexure - A in impugned sub rule to Solid Waste Management Rule, 2016, dated 20.07.2017 under reference Na.Ka.No.91/2017 on the file of Veeravanallur Town Panchayat, Tirunelveli District with regard to arbitrary fixation of Solid Waste Usage Charges on irrational basis and further direct the respondents to re-fix the same in conformity with other nearby Town Panchayat sub-rule in pursuance of petitioner's representation dated 11.04.2018.

4.Learned counsel for petitioner submits that Solid Waste Usage charges, collected towards Veeravanallur Town Panchayat, Tirunelveli District by respondents 3 and 4, is much higher than the charges collected by nearby other Town Panchayats.

5.We have perused the Solid Waste Usage charges payable as per Annexure - A and find that for houses, those attracting property tax below Rs.1000/-, Rs.5/- is charged per household; for houses, those attracting property tax above Rs.1000/-, Rs.10/- is charged per household; for various business establishments, Rs.50/- or Rs.100/- is charged depending upon their size and Rs.500/- is charged for building demolition materials per truck, Rs.500/- being the highest charge.

6.It is not for this Court to interfere with every action of authorities, particularly, where the Solid Waste Usage charges collected cannot be seen as abnormally high. To pay for services, received and for costs for damages inflicted, must become a habit. The Writ petition stands dismissed. No costs. Consequently, connected W.M.Ps.are closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
Tirunelveli District,
Tirunelveli 627 009.



2.The Director of Town Panchayat,
Chennai 600 001.

3.The Assistant Director (Town Panchayat),
Regional Office,
Tirunelveli Collectorate,
Tirunelveli District 627 009.

4.The Executive Officer,
Veeravanallur Town Panchayat,
Veeravanallur,
Tirunelveli District.

+1CC to Mr.S.PalaniVelayutham Advocate in SR.No.66865.

+1CC to Special Government Pleader in SR.No.67104.

NBJ

DS/SV-MMS/SAR-4 :25.06.2018: 3P/7C

W.P. (MD) No.11881 of 2018
05.06.2018