



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD]No.21833 of 2018

and

W.M.P.[MD]No.19751 of 2018

V.Nagaraj Kannan

: Petitioner

Vs.

1.The Commissioner,
Arupukkottai Municipality,
Arupukkottai - 626 101.

2.M.N.Khan,
Contractor,
MNK Agencies,
No.3, Railway Feeder Road,
Arupukkottai - 625 101.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to allot outside of Arupukkottai Town a suitable alternative place and non residential area to carry out the work of dumping waste materials and waste storage tanks for the second respondent based on Tender notification dated 07.09.2018 under Swatch Bharath (SBM) 2018-19.

For Petitioner : Mr.N.Sundaresan
For Respondent No.1 : Mr.N.Dilip Kumar

ORDER

[Order of the Court was made by **M.M. SUNDRESH, J.**]

This writ petition has been filed on the ground that the respondents are attempting to dump the waste materials and waste storage tank within the residential area of the town.

2.The learned Counsel appearing for the petitioner would submit that the place has been earmarked as a park. Therefore, such an activity cannot be allowed.

3.The learned Counsel appearing for the first respondent would submit that what is to be established as a Micro Compost, in which organic wastes would be treated and converted to manure. E-vehicle would be used for the aforesaid purpose. The learned



Counsel also submitted that the issue involved has already been considered by two Division Benches of this Court. Reliance has been made on the order passed in W.P.[MD]No.32938 of 2017 dated 14.03.2018.

4. We do not find any merit in this writ petition. The averments made in the affidavit are not correct. Now, what is to be established is a Micro Compost Yard for the purpose of micromanaging the wastes. Therefore, the basis on which the writ petition is filed is no longer available. Secondly, a similar issue has already been considered by this Court though, for some other local body and rejected. Though, a park is to be established, what is to be used for the purpose of construction of Micro Compost Yard is only 5,000 sq. ft out of 12,593 sq.ft. The proposed project is also for public interest only. In law, there cannot be any difficulty in converting one public interest into another. However, we make it clear that the remaining portion will have to be developed as a park alone and it shall not be used for any other purpose.

5. With the above observation, this Writ Petition is dismissed. However, appropriate steps shall be taken to create a park within a period of three [3] months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Commissioner,
Arupukkottai Municipality,
Arupukkottai - 626 101.

+ 1 CC TO MR.N.DILIP KUMAR, ADVOCATE IN SR NO.91827
+ 1 CC TO MR.N.SUNDARESAN, ADVOCATE IN SR NO.91889

MR

BU/SKN/SAR-IV :19.11.2018 : 2P/4C

ORDER MADE IN
W.P.[MD]No.21833 of 2018
25.10.2018



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