



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2018

CORAM:

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THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. (MD) No. 22770 of 2018
and W.M.P. (MD) No. 20647 of 2018

V. Renganathan ... Petitioner

-vs-

1. The District Collector,
Dindigul District,
Dindigul.

2. The Commissioner,
Dindigul corporation,
Dindigul City.

... Respondents

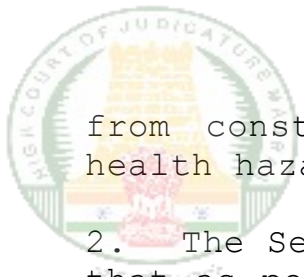
PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the Respondents herein from in any manner constructing the compost plant in Survey No. 188, Ward No. 6, Block No. 47, Annanagar, Dindigul City, on the basis of the representation sent by the Petitioner dated 07.11.2018.

For Petitioner : Mr. B. Jameel Arasu
For Respondents : Mr. A.K. Baskarapandian
Special Government Pleader (for R1)
Mr. J. Lawrence
Standing Counsel (for R2)

O R D E R

(Order of the Court was made by **P.D. AUDIKESAVALU, J.**)

The Petitioner is a resident of Annanagar in Dindigul where there is a water tank in Survey No. 188 in Ward No. 6 purportedly supplying drinking water to the residents of that area. Since the Respondents are intending to construct a micro-compost yard in the land adjoining the aforesaid water tank, the Petitioner has filed this Public Interest Litigation seeking to forbear the Respondents



from constructing the same on the ground that it would cause health hazard in the locality.

2. The Second Respondent has filed a Counter Affidavit contending that as per the Solid Waste Management Rules, 2016, framed by the Central Government, it has been decided that instead of dumping the daily collected waste in a single plant or land fill site, the same should be dumped within the respective zones of the local body by adopting the advanced technologies by opening a number of solid waste handling facilities called micro-compost plant, so that such waste can be re-used in the respective areas depending on the generation of waste in that locality. In furtherance to the same, Dindigul City Municipal Corporation had proposed to establish twelve micro-compost plants within the limits of Dindigul Corporation as per the aforesaid rules with a view to prevent dumping of waste collected from different parts of the city in one place, which had posed many environmental issues and it is expected that the new system of de-centralised garbage management by establishing the micro-compost plant would prevent the dumping of garbage at one place. The details of manner in which the waste should be segregated have also been explained. The Respondents have also produced a sketch showing the places where the twelve micro-compost plants are proposed to be located and the respective areas to which they intend to cater.

3. We have heard the learned Counsel for the Petitioner and learned Counsel appearing for the Respondents. On a perusal of the materials placed before us, we find that the proposal to provide for the micro-compost plants in compliance with the Solid Waste Management Rules, 2016, is made to cater to the needs of the public in the respective neighborhoods in a convenient manner, which cannot be faulted. The apprehension of the Petitioner that the proposed location of the micro-compost plant in this case near the existing water tank would create health hazards, cannot be countenanced. Learned Counsel appearing for the Respondents, in response to our specific query, has demonstrated with the photographs produced that the water tank is neither situated at the ground level nor supply of the water is from the soil beneath the same and the water pumped into the water tank is from the water bodies transported through pipes connected to that water tank. As such, it cannot be said that there would be a possibility of contamination of the water in the water tank by the location of the micro-compost plant in the adjoining land. At the same time, we also make it clear that the location of the micro-compost plants has to satisfy the requirements of the relevant statutory provisions including obtaining of permission from concerned authorities where applicable. In this view of the matter, we do not find any justification to forbear the Respondents from constructing a micro-compost plant in the location mentioned in the Writ Petition.



4. The Writ Petition is disposed of with the aforesaid observations. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Dindigul District,
Dindigul.

2. The Commissioner,
Dindigul corporation,
Dindigul City.

+1cc to Mr. B. Jameel Arasu Advocate in SR.No.95992

+1cc to Mr. J. Lawrence, Advocate SR.No.95953

+1cc to Special Government Pleader Advocate in SR.No.96020

W.P. (MD) No. 22770 of 2018
19.11.2018

VJT

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