

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2019

CORAM

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE  
AND  
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.32951 of 2018

P.Rajagopal

.. Petitioner

Vs

1 The District Collector  
Salem District  
Salem.

2 The Commissioner  
Corporation of Salem  
Salem.

3 The Tahsildar  
Collectorate Office  
Hasthampatti  
Salem.

4 The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Salem.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the second respondent to consider the petitioner's representation dated 13.11.2018.

For Petitioner : Mr.J.Sudhakaran

For Respondents : Mr.S.Kamalesh Kannan  
Government Advocate  
for respondents 1 and 3

Ms.K.Bhuvaneswari  
for 2<sup>nd</sup> respondent

No appearance  
for 4<sup>th</sup> respondent

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.J.Sudhakaran, learned counsel for the petitioner; Mr.S.Kamalesh Kannan, learned Government Advocate for respondents 1 and 3 and Ms.K.Bhuvaneshwari, learned counsel for the second respondent.

2. The petitioner is seeking directions to the second respondent to consider the petitioner's representation dated 13.11.2018. The said representation is in relation to Kakkayan Burial Ground situated in Corporation of Salem. In the said representation, it is stated that there are many schools and Anganwadi Centres in the said area, where about 15,000 students are studying, and a private company has been dumping garbage and burning the same in the burial ground. According to the petitioner, this would be harmful to the health of the students and people in the locality. It is further stated that one company is going to set up a unit to produce fertilizer, which would again cause contamination of drinking water and health problems to the students and people residing in the said area.

3. The second respondent, i.e., the Commissioner, Salem Corporation, has filed an affidavit, wherein it is stated in paragraph (4) as under:

"4. .... There are no Anganwadi Centers or Schools located near the Micro Compost Centre campus as stated by the petitioner. Salem City Municipal Corporation has constructed 3 Centers here for converting municipal solid waste into manure and it is functioning for the past one month without any nuisance or health hazards to the local habitations. Only bio degradable waste is being scientifically processed and there is no practice of dumping solid waste in the burial ground. Salem City Municipal Corporation has not appointed any private company to handle the Micro Compost Centers as stated by the petitioner. Further, there will be no process of segregating Bio degradable waste and Non-Bio degradable waste in the burial ground and no dumping of sold waste in huge quantities here as stated by the petitioner."

4. Thus, it is seen that there is no nuisance or health hazard to the local residents and nor is there any possibility of drinking water being polluted.

5. In view of the averments in the counter affidavit, no further orders are necessary at this stage. The writ petition is, accordingly, closed. No costs.

Sd/-  
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

sasi

To:

- 1 The District Collector  
Salem District  
Salem.
- 2 The Commissioner  
Corporation of Salem  
Salem.
- 3 The Tahsildar  
Collectorate Office  
Hasthampatti  
Salem.
- 4 The District Environmental Engineer  
Tamil Nadu Pollution Control Board  
Salem.

+1cc to Mr.J.Sudhakaran, Advocate SR.No.38649

+1cc to Government Pleader SR.No.39370

W.P.No.32951 of 2018

VD(CO)  
GMY(19/06/2019)

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