



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.12563 of 2019

and

W.M.P. (MD)No.9350 of 2019

Rajiv Nagar Residential Welfare Association,
Rajiv Nagar, Nagai Road,
Thanjavur, Reg. No.34 of 2008,
Rep. by its Secretary,
Mr.S.Jeyaseelan

... Petitioner

Vs

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Corporation Commissioner,
O/o.Thanjavur Corporation,
Thanjavur, Thanjavur District.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.23, T.S.No.3303/1,
SIDCO Industrial Estate,
Nanchikottai Salai, Opp.Ulavarasanthai,
Thanjavur, Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents herein from installing the Materials Recovery Facility unit at the Park Area in T.S.No.1357, Rajiv Nagar, Nagai Road, Thanjavur on the basis of the representation dated 13.05.2019 submitted in person to the 1st respondent herein.

For Petitioner : Mr.A.Thiruvadikumar

For Respondents : Mr.Aayiram K.Selvakumar
Addl. Government Pleader for R1 & R3

: Mr.N.Dilip Kumar for R2

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The grievance of the petitioner's association is that in an



area ear-marked as park, the local body is intending to install a micro compost centre. The learned counsel appearing for the writ petitioner submitted that when a site is ear-marked for park purposes, it cannot be converted for any other use.

3. The learned standing counsel appearing for the municipality placing reliance on the decision reported in [(2019) 2 MLJ 114 (M.G.M.Nagar Nala Munnetra Sangam, Plot No.14, MGM Nagar, Rajaji Salai, Thiruvallur Vs. Commissioner, Municipal Authority, Rajaji Salai, Thiruvallur)] pointed out that similar action for setting up micro compost yard was sustained by the Honourable Division Bench. The case on hand is absolutely similar. Therefore, respectfully following the Honourable Division Bench decision, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Plot No.23, T.S.No.3303/1,
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Thanjavur, Thanjavur District.

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-66360[F] dated 30/05/2019)

+1 CC to M/s.SPL GP (SR-66618[F] dated 31/05/2019)

W.P. (MD) No.12563 of 2019
29.05.2019

ias/gk

KK/SAR/11.07.2019/2P-5C