

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

WP(MD) No.2909 of 2019

K.K.RAMESH

.... PETITIONER

Vs

1 UNION OF INDIA,
REP.BY ITS SECRETARY,
MINISTRY OF URBAN DEVELOPMENT,
NIRMAN BHAWAN, C-WING,
DR.MAULANA AZAD ROAD, NEW DELHI-110 011.

2 UNION OF INDIA,
REP.BY ITS SECRETARY,
MINISTRY OF WATER RESOURCES,
NO.412, SHRAM SHAKTI BHAWAN,
RAFI MARG, NEW DELHI-110 001.

3 THE STATE OF TAMILNADU,
REP.BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT AND WATER
RESOURCES ORGANIZATION,
FORT.ST.GEORGE, SECRETARIAT, CHENNAI.

4 THE EXECUTIVE ENGINEER,
PUBLIC WORKS AND WATER RESOURCES ORGINATION,
PERIYAR VAIGAI BASIN PROJECT,
THALLAKULAM, MADURAI-2.

5 THE REGIONAL CHIEF ENGINEER,
WATER RESOURCES ORGANIZATION,
THALLAKULAM, MADURAI-2.

6 THE DISTRICT COLLECTOR,
MADURAI DISTRICT.

7 THE COMMISSIONER,
MADURAI CORPORATION,
ARIGNAR ANNA MAALIGAI, MADURAI.

8 THE CHAIRMAN,
TAMIL NADU POLLUTION CONTROL BOARD,
76, ANNA SALAI, GUINDY, CHENNAI-32.

(R8 IS SUO MOTU IMPEADED VIDE COURT
ORDER DATED 11/02/19)

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus directing the 1st respondent to instruct the respondents 5 to 7 to stop the ongoing work of laying Road on vaigai river banks in the name of Madurai Smart City. The process of laying road is affecting the size of Vaigai River by considering the petitioners representation dated 01/02/2019.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.K.RAMESH, Party in Person and of MR.RAJENDRAN, Advocate for R1 & R2 and MR.A.MUTHUKARUPPAN, Additional Government Pleader for R3 to R6 and MR.K.GOVINDARAJAN, Advocate for R7, the Respondents the court made the following order:-

[Order of the Court was made by N.KIRUBAKARAN, J.]

Mr.K.Govindarajan, learned counsel appearing for the 7th respondent would submit that under the Smart City Project, the City will be benefitted because of the implementation of the project in many ways.

2.It is submitted by the counsel appearing for the petitioner that the drainage water is draining into the river and polluting the same at various points. In this regard, he filed various writ petitions at various points of times.

3.In the earlier occasions, the writ petitions were closed and disposed of based on the undertaking given by the Madurai Corporation, however, till date, no steps have been taken and the act of polluting the river continues.

4.Therefore, the following queries are raised and answers have to be given by the Commissioner, Madurai Corporation:

a)Whether the Corporation has assessed the volume of sewage let in to Vaigai River?

b)Whether any sewage treatment plants have been constructed at various points?

c)If it is so, how many treatment plants have been constructed to treat the entire sewage that is being let into the river?

d) What is the capacity of treatment plant?

e)How may sewage treatment plants are required and what is the total capacity of the sewage treatment plants required?

f)What are all the steps taken to prevent the private parties as well as educational institutions and commercial institutions from letting in sewage/used water into River.

g)Whether the treated sewage is free from pollutants? Is it examined by the Pollution Control Board?

h)Whether the Pollution Control Board analysed the treated sewage?

i)What are all the actions taken against the institutions/departments and the parties who are letting in sewage into the water?

j)Whether the Corporation has found out the points of sewage letting in Vaigai River?

5.Mr.Rajendran, learned counsel takes notice for the respondents 1 and 2. Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents 3 to 6. Mr.K.Govindarajan, learned counsel takes notice for the 7th respondent.

6.The Chairman, Tamil Nadu Pollution Control Board, 76, Anna Salai, Guindu, Chennai - 32 is *suo motu* impleaded as 8th respondent. Mr.Vasanthakumar, learned counsel takes notice for the newly added 8th respondent.

7.The Registry is directed to implead the 8th respondent in the cause title and post the matter on 18.02.2019 along with W.P.(MD) Nos.11101 of 2017 and 11467 of 2018.

sd/-
11/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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COPY TO:
THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
WP(MD) No.2909 of 2019
Date :11/02/2019

JM/PN/SAR 4/15.02.2019/4P/10C

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