



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.42 of 2019

and

W.M.P.[MD]No.10 of 2019

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AIBEA Nagar (Paravai) Residents Welfare
Association represented by its Secretary,
Mr.K.Alagarsamy, C/o. Plot No.396, AIBEA Nagar,
"B" Colony, 3rd Street, Paravai - 625 402.
Madurai District.

: Petitioner

Vs.

- 1.The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
& Chairman Tamil Nadu Water & Drainage Board,
Government of Tamil Nadu, Fort St. George,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
No.31, Kamarajar Salai, Chepauk, Chennai - 600 005.
- 3.The Director of Town Panchayats,
Kuralagam Buildings, Chennai - 600 108.
- 4.The Chief Engineer,
Tamil Nadu Water Supply & Drainage Board,
Near Mattuthavani Bus Stand, Madurai.
- 5.The Superintending Engineer,
Tamil Nadu Water Supply & Drainage Board,
Near Mattuthavani Bus Stand, Madurai.
- 6.The District Collector,
Madurai District,
Madurai - 625 020.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in reference No.F.Paravai UGSS/AE7/PDC/2012-1 dated 30.11.2016 and reference No.F.Paravai UGSS/AE7/PDC/2012 dated 26.10.2017 and quash



the proceedings as regards shift to Septage Management is concerned and pass a consequential direction to the respondents 1 to 6 to implement the long pending commitment of the Government made to provide UGSS Scheme to the people of Paravai Selection Grade Town Panchayat within a time period to be fixed by this Court.

For Petitioner : Mr.N.Dilip Kumar

For Respondents 1,3&6 : Mr.S.Angappan

Government Advocate

For Respondents 2,4&5 : Mrs.Porkodi Karnan

O R D E R

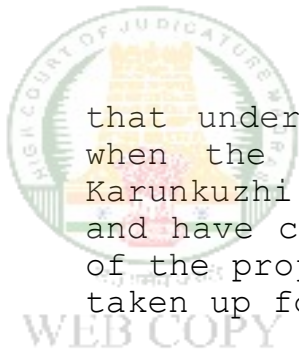
[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.N.Dilip Kumar, learned Counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate appearing for respondents 1, 3 and 6 and Mrs.Porkodi Karnan, learned Counsel appearing for respondents 2, 4 and 5.

2.This Writ Petition filed as a Public Interest Litigation by AIBEA Nagar (Paravai) Residents Welfare Association, which is an association registered under the provisions of the Tamil Nadu Societies Registration Act, 1974. The petitioner has challenged the proceedings of the second respondent, the Managing Director of the Tamil Nadu Water Supply and Drainage Board, informing the association that septage management to Paravai Town Panchayat will be taken up for implementation.

3.The petitioner's case is that initially, the Paravai Town Panchayat was chosen for execution of underground sewage system and there is sufficient records to state that the Town Panchayat was covered in the scheme wherein a total amount of Rs.28.94 crores was earmarked. However, as of now, the TWAD Board has stated that they will be in a position to implement the septage management scheme and this is by letter dated 26.10.2017. More than two [2] years passed by. Nothing has happened. The septage treatment system has not been implemented and the matter has been kept pending because the land identified for the sewage treatment plant falling within the Paravai Town Panchayat area is a water body.

4.Obviously, the Government and their authorities cannot convert the usage of a water body to any other usage. Therefore, the site, even it is chosen, has to be rejected and the project cannot be implemented in a water body. Therefore, admittedly, there is going to be further delay. The resultant position would be that alternate land has to be identified and this has to be done with the appropriate directions of the third respondent to the authorities, so that they shall identify the land which is unobjectionable and suitable from all angles. Furthermore, the petitioner cannot insist



that underground sewage system should be implemented in that area when the TWAD Board has stated that they have implemented the Karunkuzhi faecal sludge treatment plant in Kancheepuram District and have completed a trial run. After evaluation of the performance of the project, Septage Management at Paravai Town Panchayat will be taken up for implementation.

5. Therefore, on the ground raised by the petitioner, the communication sent by the second respondent Managing Director of the TWAD Board cannot be quashed. Nevertheless, the third respondent and the officers subordinate to the third respondent have to ensure that there is safe disposal of sewage and also ensure that all houses have got toilets and there is no open defecation. To attain this, effective steps have to be taken for identification of the land for establishing the sewage treatment plant. We direct the third respondent to issue appropriate directions to his officers to identify any alternate land to establish sewage treatment plant and such land be identified within three [3] months from the date of receipt of a copy of this order. On such identification, the third respondent shall ensure that it is unobjectionable from all angles, necessary proposals be sent, funds be obtained and execution work be entrusted to the TWAD Board, within a period of four [4] months thereafter.

6. With the above directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar (CS)

MR

To

1. The Principal Secretary to Government,
Municipal Administration & Water Supply Department,
& Chairman Tamil Nadu Water & Drainage Board,
Government of Tamil Nadu, Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu Water Supply & Drainage Board,
No.31, Kamarajar Salai, Chepauk,
Chennai - 600 005.



3.The Director of Town Panchayats,
Kuralagam Buildings, Chennai - 600 108.

4.The Chief Engineer,
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Near Mattuthavani Bus Stand, Madurai.

5.The Superintending Engineer,
Tamil Nadu Water Supply & Drainage Board,
Near Mattuthavani Bus Stand, Madurai.

6.The District Collector,
Madurai District,
Madurai - 625 020.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-96214[F] dated
05/11/2019)

+1 CC to M/s.PORKODI KARNAN, Advocate (SR-96174[F] dated 05/11/2019
)

+1 CC to M/s.SPL GP (SR-96323[F] dated 06/11/2019)

Order made in
W.P.[MD]No.42 of 2019
Dated: **05.11.2019**

KK/SAR/22.11.2019/4P-10C/