



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.19334 of 2019

and

W.M.P. (MD) Nos.15763 & 15766 of 2019

Anthony Raj
Secretary
Malligai Kudiruppu Nala Sangam
Sattur

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

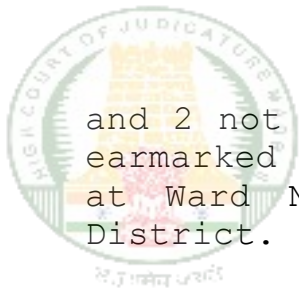
2.The Commissioner,
Sattur Municipality,
Sattur,
Virudhunagar District.

3.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Virudhunagar District.

4.The Tahsildar,
Sattur Taluk,
Sattur,
Virudhunagar District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 2nd respondent made in Na.Ka.No.327/2018/M1, dated 20.03.2019 and quash the same as illegal and consequentially direct respondents 1



and 2 not to set up the Micro Compost Processing Unit in the land earmarked for public park comprised in Survey Nos.181/1 and 181/2 at Ward No.3, Old Trunk Road at Sattur Town in Virudhunagar District.

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For Petitioner : Mr.V.Angusamy
For Respondents : Mr.A.K.Baskarapandian
(R1 & R4) Special Government Pleader
For Respondent-2 : Mr.M.Kannan
For Respondent-3 : Mr.Vasanthakumar

O R D E R

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.V.Angusamy, learned learned counsel appearing for the petitioner, Mr.A.K.Baskarapandian, learned Special Government Pleader for R1 and R4, Mr.M.Kannan, learned standing counsel for R2 and Mr.Vasanthakumar, learned standing counsel appearing for R3.

2. This Writ Petition, designed as a Public Interest Litigation, has been filed by one Mr.Antony Raj, who is stated to be the Secretary of "Malligai Kudiiruppu Nala Sangam". The petitioner is aggrieved by a Notice issued by the respondent viz., the Commissioner, Sattur Municipality, whereby the public had been intimated about establishment of a Micro Compost Processing Unit, as a part of Solid Waste Management.

3. The petitioner would contend that the Solid Waste Management Rules, 2016 has been violated. Approval has not been obtained from the Tamil Nadu Pollution Control Board and if the land, which was reserved for Public park, is to be converted into a Micro Compost Processing Unit, the residents of the locality will be affected.

4. The respondents would justify their action by contending that there is scrupulous compliance of the requisite Rules and insofar as Survey No.181/1 is concerned, the respondent Municipality has obtained approval from the TNPCB and due care would be taken to ensure absolute hygienic operations and there will be no nuisance to the local public.

5. Since the scheme of establishing Micro Compost Processing Unit in various localities is in public interest to decentralize the accumulation of solid waste, the proposal of the



respondent Municipality cannot be interfered with. However, the interest of the residents and the public in the area cannot be compromised at any point of time. The safety of the residents should be protected. There should not be any noise or air pollution and the Municipality has to ensure that they scrupulously follow the Rules governing the establishment and functioning of the Micro Compost Processing Unit. It is not clear as to whether a compound wall will be erected around the Compost Yard.

6. Therefore, we direct that a compound wall should be erected in all four sides of Micro Compost Processing Unit with minimum height of six feet and the operation carried on in the Micro Compost Processing Unit should adhere to the relevant Rules and in the event, if there is any violation in following the rules or any nuisance or air pollution is caused, we give liberty to the petitioner / residents Association to take up the matter once again before the appropriate authority and the appropriate Forum.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

MPK

To

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Commissioner,
Sattur Municipality,
Sattur,
Virudhunagar District.
- 3.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Virudhunagar District.



4.The Tahsildar,
Sattur Taluk,
Sattur,
Virudhunagar District.

+1 CC to M/s.A.BALAJI, Advocate (SR-85668[F] dated 06/09/2019)

+1 CC to M/s.M.KANNAN, Advocate (SR-85844[F] dated 09/09/2019)

+1 CC to M/s.GP (SR-85916[F] dated 09/09/2019)

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