



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.25356 of 2019

and

W.M.P. (MD) No.21920 of 2019

K.S.Vijayan

.. Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.

3.The Assistant Commissioner,
Tiruchirapalli Corporation,
Ponmalai Division, Ponmalai,
Tiruchirapalli.

4.The Executive Engineer,
Tamil Nadu Pollution Control Board,
No.25, Developed Plots,
Thuvakudi, Tiruchirapalli-620 015.

5.The Executive Urban Enigineer,
Tiruchirapalli City Corporation,
Tiruchirapalli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to stop the construction of Sewage Pumping Station in Survey No.18/3 an extent of 8400 sq.ft., in Rajarajeshwari Nagar, Alandur Village, Ponmalai, Ward No.63, Trichy Corporation area allotted for park and to form the park in the said land and shift the Sewage Pumbing Station to some other place by considering the petitioner's representation dated 26.08.2019 within the period as stipulated by this Court.

For Petitioner	: Mr.A.Haja Mohideen
For R1	: Mr.S.Angappan
	Government Advocate
For R2, R3 & R5	: Mr.N.S.Karthikeyan
For R4	: Mr.V.Vasanthakumar



ORDER

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

Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner, Mr.S.Angappan, learned Government Advocate, who accepts notice on behalf of the first respondent, Mr.N.S.Karthikeyan, learned counsel for the respondents 2, 3 and 5 and Mr.V.Vasanthakumar, learned standing counsel for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed to direct the second respondent to stop the construction of Sewage Pumping Station in Survey No.18/3 in Rajarajeshwari Nagar, Alandur Village, Ponmalai, Ward No.63, Trichy Corporation.

3. The petitioner, who is the Secretary of the Residential Welfare Association, objects to the establishment of Sewage Pumping Station in the land in question. The petitioner's case is that the land has been earmarked for park and the entire area is now utilised for Sewage Pumping Station.

4. The learned counsel for the second respondent Corporation submits that in the year 2010, the area in question was annexed to the jurisdiction of the Trichy Corporation and as a part of implementation of the Government Policy, ground Sewage system is being implemented by the Trichy Corporation and the same is also being implemented in the area in question. It is further submitted that it is incorrect to state that the proposed plant is plant sewage system, as it is only a Sewage Pumping Station, where the sewage would be pumped to a distance of three kilometres. It is further submitted that the work has already been commenced and it is in progress. Further we find that the layout, where houses were constructed and the petitioner is also residing is not an approved layout.

5. The learned counsel for the second respondent submits that the area in question has been handed over to the Municipality, but there is nothing on record to show that it was earmarked for park. The contention of the petitioner should be deemed to be incorrect because, it was not an approved layout. The learned counsel for the petitioner referred to a copy of a gift deed executed in favour of the local body stating that the area in question is a public layout for park.

6. In our considered view, when the scheme to be implemented by the Trichy Corporation is in public interest, the Local Body have to balance the interest of the public as well as should preserve the properties earmarked for public purpose. Pumping station for an



underground sewage system is imminently necessary as open drainage causes several health issues. Therefore, we are not inclined to issue the direction as sought for by the petitioner in this writ petition. Accordingly, this writ petition is dismissed. It is made clear that after constructing the sewage pumping station, the remaining area can be maintained with greenery by the respondent Corporation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ta

To

The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

+1 CC to Mr.N.S.KARTHIKEYAN, Advocate (SR-102513[F] dated 29/11/2019)

+1 CC to Mr.A. HAJAMOHIDEEN, Advocate (SR-102733[F] dated 29/11/2019)

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