

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.2295 of 2020

M.Garkey

..Petitioner

Versus

1. The Secretary to the Government
Government of Tamil Nadu
Municipal Administration and Water Supply Department
Secretariat, Fort St.George,
Chennai 600 009.
2. The District Collector,
Coimbatore District.
Coimbatore 641 018.
3. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore.
4. The District Collector,
Tiruppur District,
Tiruppur.
5. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

...Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents to implement the resolution no.129 dated 11.06.2015 of the Mettupalayam Municipal Council and further directing them to shift the water taking sumps to Vilamarathur Area at Nellithurai Panchayat, instead of the existing water taking places i.e., Sathyamoorthy Nagar and Thekkampatty of Coimbatore District, for the following water schemes, Viz., (1)Mettupalayam Municipality Drinking Water Scheme Old and New, (2)Tiruppur Drinking Water Schemes-I&II, (3)

Karamadai Drinking Water Scheme, (4) goundampalayam-Vadavalli Drinking Water Scheme and (5) Thondamuthur Drinking Water Scheme and to supply to the people, based on the petitioner's representation dated 20.07.2019 and 21.10.2019.

For Petitioner : Mr.M.Vijayaraghavan
For Respondents : Ms.M.Jayashree
Government Advocate for R1 to R4

Mr.P.Shanthi
Standing Counsel for R5

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

The Writ Petition is styled as a Public Interest Litigation by a practising lawyer belongs to Coimbatore Bar and the learned counsel appearing for the petitioner would submit that their exist very many drinking water schemes implemented at Coimbatore and Tiruppur Districts and for that purpose water is regularly drawn from Bhavani River. The schemes are (1)Mettupalayam Municipality Drinking Water Scheme Old and New, (2)Tiruppur Drinking Water Schemes-I&II, (3) Karamadai Drinking Water Scheme, (4) Goundampalayam-Vadavalli Drinking Water Scheme and (5) Thondamuthur Drinking Water Scheme.

2. The learned counsel appearing for the petitioner also pleads that on account of strict implementation of the Pollution Control Standards, the units located on the banks of the river also letting in effluents without proper permission which leads to health hazards also. The Local Body namely Mettupalayam Municipality has also passed Resolution No.129 dated 11.06.2015 indicating the places wherein the water can be drawn and the water scheme can be implemented.

3. The learned counsel appearing for the petitioner has also invited the attention of this Court to page no.28 of the typed set of documents and would submit that in the light of the detailed representation submitted by the petitioner dated 21.10.2019, a sump can be put up at Vilamarathur area which falls within Nellithurai Panchayat and hence prays for appropriate orders.

4. Ms.M.Jayashree, learned Government Advocate accepts notice on behalf of the respondents 1 to 4 and Ms.P.Shanthi, learned standing counsel accepts notice on behalf of the 5th respondent.

5. Though the petitioner prays for larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs either the 1st respondent or the delegated subordinate officials as well as the respondents 2 and 4 to consider and dispose of the said representation on merits and in accordance with law and pass appropriate orders within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. The Writ Petition stands disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

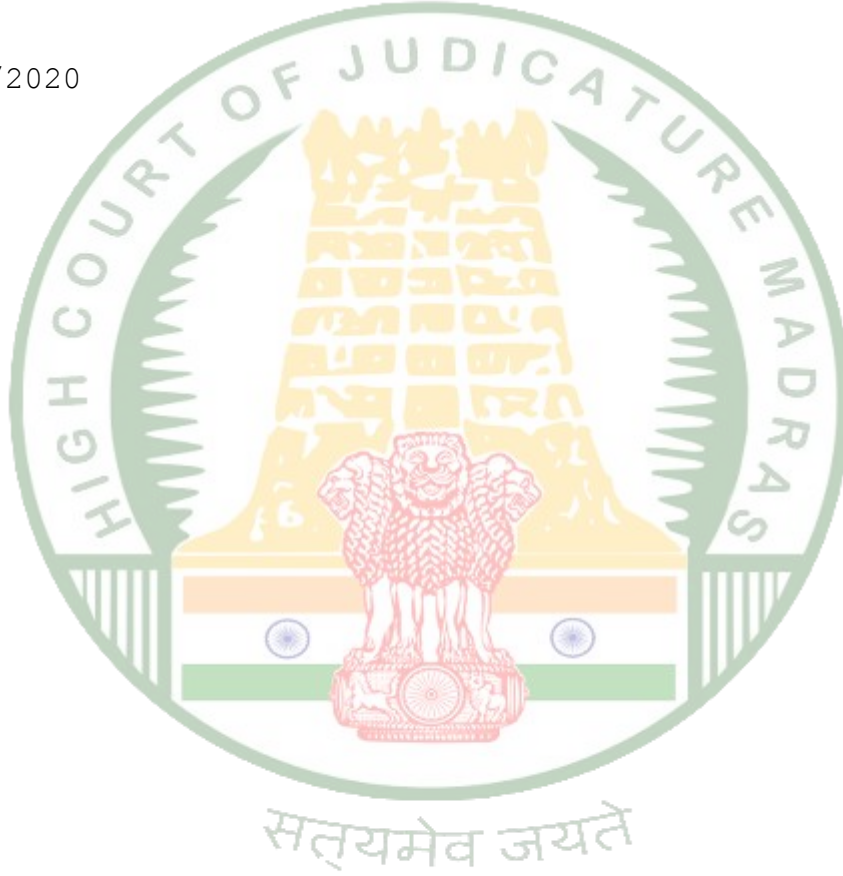
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Tiruppur District,
Tiruppur.

5. The Commissioner,
Tiruppur Municipal Corporation,
Tiruppur.

+1cc to Government Pleader, S.R.No.8637
+1cc to Mr.M.Vijayaragavan, Advocate, S.R.No.7730
+1cc to M/s.P.Shanthi, Advocate, S.R.No.7481

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BS (CO)
KKV/11/06/2020



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