

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 12218 of 2020
and W.M.P.No. 14974 of 2020

K.Krishnamurthy ... Petitioner

Vs.

1. The District Collector,
Salem District, Salem.
 2. The Commissioner,
Salem Corporation,
Salem District.
 3. The Assistant Commissioner,
Ammapettai Zonal Office,
Municipal Corporation,
Salem District.
 4. The Assistant Executive Engineer,
Ammapettai Zonal Office,
Municipal Corporation,
Salem District.
- ... Respondents

Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus forbearing the respondents from using the land in survey No. 12211/F, Near Auto colony, Thathampatti Village, Salem District for the purpose of constructing Micro level compost centre and for disposing bio-degradable and non-bio gradable wastes in view of the petitioner representation dated 01.07.2020.

For Petitioner ...Mr.A.Esakkiappan

For Respondents ..Mr.Kamalesh Kannan,
Government Advocate for R1
Mr.S.Sathish for R2 to R4

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner has come forward to file this writ petition seeking a writ of mandamus forbearing the respondents from using the land in Survey No.122 1/F, Near Auto Colony, Thathampatti Village, Salem District for the purpose of constructing micro level compost centre.

2.Learned counsel appearing for the petitioner submitted that though the earlier writ petition filed was dismissed, an attempt is being made to establish one more micro level compost yard and, therefore, the writ petition will have to be allowed.

3.Learned counsel appearing for the first respondent submitted that the present one is also for the same purpose which is to treat the urban compost waste materials. This has been done in accordance with the rules and after the orders passed by the Apex Court and the Green Tribunal. Thus, the petitioner does not have any right especially the earlier order passed would cover the present case.

4. In W.P.No. 32424 of 2018, on a challenge made by the petitioner on the earlier occasion, the following order was passed:

8. Material on record shows that about 30 such centres have been proposed in Salem City for the said purpose and 15 centres are under construction and 5 centres are already functioning. It is also the submission of the respondent that there is a common dump yard located at 8.5 kms. away from the city and daily waste solid materials of 400 M.T., are dumped in the said dump yard and that due to heavy dumping of solid waste on daily basis, the ground water in the locality is being polluted. It is further stated that World Health Organisation has suggested to process the solid waste at the places where it is produced and also has laid proposals to set up Micro Level Compost Centres and hence, under this scheme the Micro Level Compost Centres are being put up. It is further stated that the respondents proposed to set up a Micro Level Compost Centre in the land in question, which covers only a small portion of the graveyard and that most of the area in the said burial ground is being utilized as a burial ground. It is also stated that the area is far away from habitation, the Micro Level Compost Centre in Survey No.113P, Thathampatti Village, Salem District, will not cause any nuisance or disturbance

to the residents of the Thathampatty locality.

9. Having a proper Waste Management Programme, is the biggest challenge that is being faced by Corporations and Municipalities. Courts can take judicial notice of the fact that due to unabated urbanisation, there is actually no space left for dumping waste materials. The local authorities have to balance the competing interest and have to find out areas which are unutilised, which can be used for Micro Level Compost Centre.

10. Considering the facts that have been placed before us, the respondents cannot be found fault with for selecting a small area in a burial ground for constructing the Micro Level Compost Centre. It cannot be said that no public interest is involved in the said proposal. Areas which are away from habitation can be used to construct a Micro Level Compost Centre, as this will not cause any inconvenience and hardship to the residents. The Government is coming out with policies for selection/conversion of waste materials to manure and the public should actually welcome such measures and must co-operate with the authorities in maintaining a highly pure hazardous free environment. It is also relevant to mention here, this Court has also dealt with similar issues in PIL matters and has passed orders in W.P.No.12930 of 2018, WP.No.26704 of 2017 and WP.No.32938 of 2017.

5. It is one more compost yard on the same lines as was challenged by the petitioner. The arrangement is not for the village but to deal with the waste materials from the city. Therefore, the decision laid down by this Court in W.P.No.32424 of 2018 dated 27.02.2019 ipso facto applies to the case on hand. The petitioner is not able to lay his hands on violation of rules and regulations.

6. In view of the above, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The District Collector,
Salem District, Salem.

2.The Commissioner,
Salem Corporation,
Salem District.

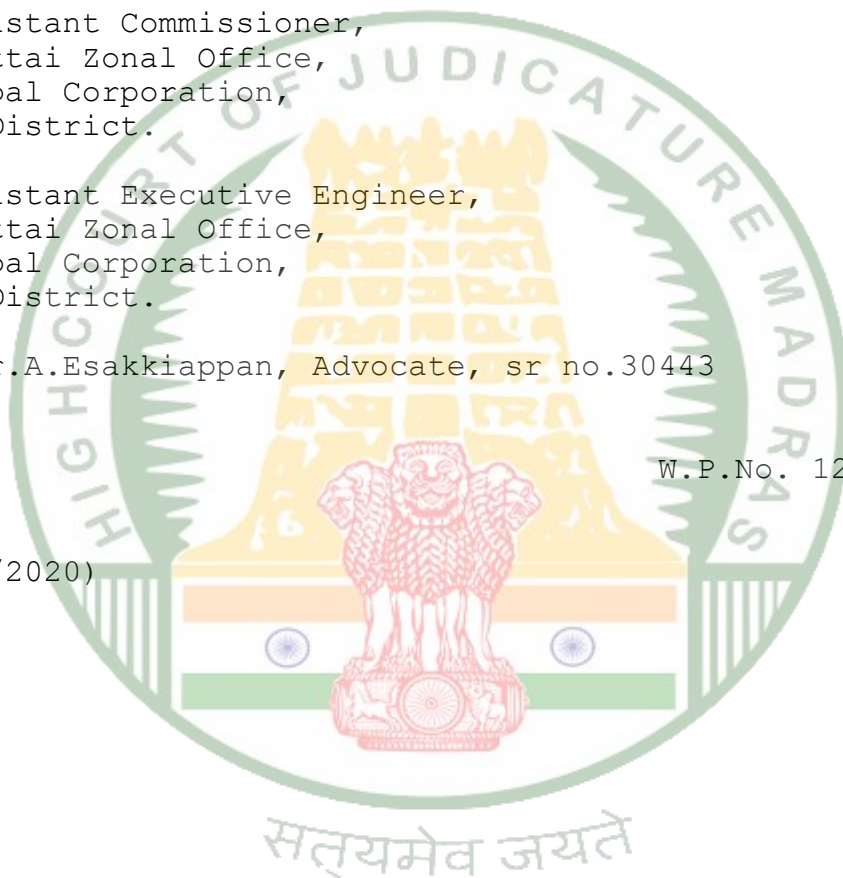
3.The Assistant Commissioner,
Ammapettai Zonal Office,
Municipal Corporation,
Salem District.

4.The Assistant Executive Engineer,
Ammapettai Zonal Office,
Municipal Corporation,
Salem District.

+lcc to Mr.A.Esakkiappan, Advocate, sr no.30443

W.P.No. 12218 of 2020

AJS (CO)
RMP (29/10/2020)



WEB COPY