

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.8191 of 2016

P.Mani

.. Petitioner

Vs

1.The Commissioner,
Avadi Municipality,
Avadi, Chennai.

2.Ganesh

3.Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai - 53.

4.The President,
Ayappakkam Panchayat,
20, Pillaiyar Koil Street,
Ayappakkam, Chennai - 77.

(R3&R4 are impleaded as per order
dt.22/4/16 by TSSJ in WMP.No.13123/16
in W.P.No.8191/2016)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to remove the septic tank i.e. cesspool permanently, situated rear of the petitioner's house and located in the second respondent building at S.No.9/2 of Ayyappakkam Village, Plot No.12, Ward No.1, Railway Road 1st Cross Street, Near Camp Tonakala, Ayyappakkam, Chennai - 77, by enforcing the powers conferred under Section 32 of Public Health Act forthwith.

For Petitioner	: Mr.V.Raghavachari
For R1	: Mr.P.Srinivas
For R3	: Mrs.A.Sri Jayanthi, Spl. GP
For R4	: Mr.G.Sankaran

ORDER

This writ petition has been filed by the petitioner seeking a direction upon the respondents to remove the septic tank situated at S.No.9/2 of Ayyappakkam Village, Plot No.12, Ward No.1, Railway Road 1st Cross Street, Near Camp Tonakala, Ayyappakkam, Chennai - 77.

2. The petitioner approached this Court by contending that if the septic tank is constructed in the area proposed, then it will affect the water source, which is situated within 50 ft. and it will be against the interest of not only the petitioner but also against the public interest. The Court, on 04.03.2016, granted an order of interim injunction restraining the second respondent from using the septic tank and the interim injunction has been in force till date. Subsequently, the Block Development Officer, Villivakkam Panchayat Union, and the President of Ayyappakkam Panchayat have been impleaded as respondents 3 and 4 on 22.04.2016.

3. Mr.G.Sankaran, learned counsel for the fourth respondent, submits that he has no instruction from the fourth respondent as he is not responding.

4. Be that as it may, the local body should not permit the construction of septic tank close to a water source, whether by the local body or a private person. Therefore, this aspect needs to be taken note of by the respondents 1, 3 and 4.

5. In the light of the above, the writ petition is disposed of by forbearing the respondents from in any manner putting up the septic tank in the place proposed. If the same has already been constructed, the same can be used as fresh water tank and not as septic tank. Permission can be granted to the second respondent to relocate the septic tank at a different place, if the same has not been relocated. No Costs. WMP.No.7281 of 2016 is closed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy//

Sub Assistant Registrar

rkm

To

1.The Commissioner,
Avadi Municipality,
Avadi, Chennai.

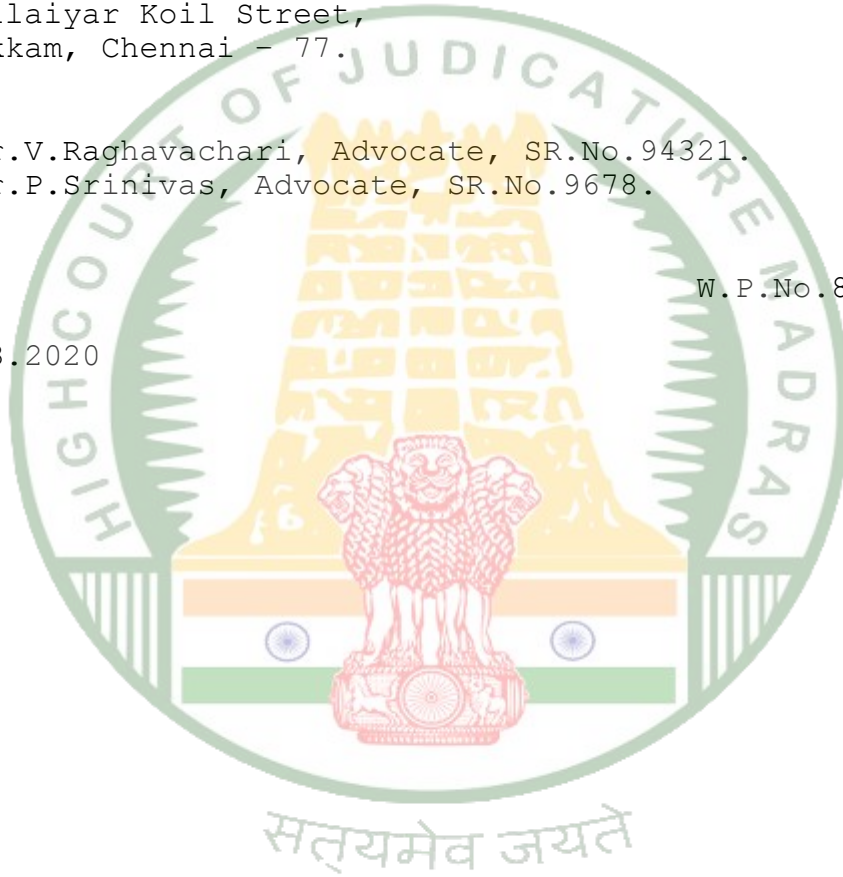
2.Block Development Officer,
Villivakkam Panchayat Union,
Ambattur, Chennai - 53.

3.The President,
Ayappakkam Panchayat,
20, Pillaiyar Koil Street,
Ayappakkam, Chennai - 77.

+1cc to Mr.V.Raghavachari, Advocate, SR.No.94321.
+1cc to Mr.P.Srinivas, Advocate, SR.No.9678.

W.P.No.8191 of 2016

CP(CO)
CSR: 04.03.2020



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