



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Nineteenth day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE N.KIRUBAKARAN

and

THE HON`BLE MRS JUSTICE T.V.THAMILSELVI

WP.No.20487 of 2018

DR.T.T.MANOCHARAN,

[PETITIONER]

Vs

1 THE GOVERNMENT OF TAMIL NADU
REP BY ITS SECRETARY PUBLIC WORKS
DEPARTMENT, FORT ST. GEORGE, CHENNAI-09

[RESPONDENTS]

2 THE DISTRICT COLLECTOR
COIMBATORE, COLLECTORATE OFFICE,
COIMBATORE DT- 641018

3 THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT, PWD OFFICE
PERIYAKADAI ST, COIMBATORE- 641018

4 THE ASSISTANT DIRECTOR OF TOWN
PANCHAYATS, DISTRICT COLLECTORATE OFFICE,
COIMBATORE- 641018

5 THE EXECUTIVE OFFICER
THALIYOOR TOWN PANCHAYAT, THALIYOOR POST,
COIMBATORE DT- 641 109

6 THE DISTRICT ENVIRONMENT
ENGINEER, TAMIL NADU POLLUTION CONTROL BOARD,
COIMBATORE SOUTH OFFICE, PLOT NO.E-55-A,
SIDCO INDUSTRIAL ESTATE, POLLACHI MAIN RD,
KURIHCHI COIMBATORE DISTRICT-641 021.

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to Issue a writ of mandamus or any other appropriate writ or direction, directing the 5th Respondent not to use the water tank/ body (Kuttai) situated in Survey No.862/1A2 to 862/3, 863/1A, 863/7A2 and 863/1A3 of Kalanganai Chakkannalaya Village as Dumping of garbage and further



direct all the respondents herein to remove the encroachments made in the said water body and its catchment areas and restore the water body in its original position forthwith(in WP.No.20487/2018)and

Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.P.EBENEZER PAUL, Advocate for the petitioner and of M/S.P.MUTHUKUMAR, SGC for the 1 TO 4 respondents and of M/S.M.ELUMALAI, Additional Government Pleader for 5th respondent and of M/S.N.MANOKARAN, Advocate for the 6th respondent the Court made the following order:-

[Order of the Court was made by N.KIRUBAKARAN, J.,]

When the matter is called today for reporting compliance, Mr.IK.Gopal, Executive Officer, Dhaliyur (Special Grade) Town Panchayat, Dhaliyur, Coimbatore - 641 109 is present before this Court and a Status Report dated 18.07.2021 has been filed by the Fifth Respondent, which is placed on record and paragraph Nos. 7 to 10 are usefully extracted as follows:-

- "7. It is humbly submitted that in order to comply the order of this Hon'ble Court, the 5th Respondent has stopped the dumping of garbage at the Resource Recovery Part at the Old Survey No. 862/1A2 and New S.No.1034, with effect from 16.04.2021. The shed at the compost yard and storage shed were already dismantled and removed. As on date, the structures of Resource Recovery Park at the S.No. 862A/1A2 were demolished and the site is restored to its original position.
8. It is submitted that the door to door collection of solid waste is temporarily dumped at a open site. The 5th Respondent in his Na.Ka.No.603/2021, date 09.07.2021, requested the 4th Respondent to obtain permission from the 2nd Respondent to use 1.5 acres classified as Mandhai in S.No. 883/1, for temporary dumping of garbage, till find suitable land for commission of Resource Recovery Park.
9. It is submitted that the 5th Respondent has already vacated the Resources Recovery Park from the Survey No.862A/1A2 and brought the Kuttai land to its original position. However, it is now depending on the Revenue Department for getting alternative land to set up Resources Recovery Park. Once, the alternative land is identified, necessary Licenses /No objections to be obtained from the 6th Respondent herein, i.e., the Pollution Control Board, so as to comply with the Solid Waste Management Rules, 2016. Still there is a public toilet on the above land and nearby road, catering the needs of more than 70 families residing at the abutting lands. The same is to be removed after



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providing alternative arrangements, either individual toilets or public toilets subject to availability of space, to avoid open defecations. Moreover, as per this Hon'ble High Court order dated 21.06.2021, the compost yard and storage shed is removed from S.No. 862A/1A2 and restored in original position and photographs is also annexed herein by way of typed set.

10. It is humbly submitted that at least six more months' time is required to complete the above process. Therefore, it is just and necessary that this Hon'ble Court may be pleased to grant additional time of six months to complete the further process and comply with the entire order dated 26.04.2021 made in W.P. No. 20487 of 2018."

In view of the above, six months' time is granted to remove existing toilets and to provide new toilets and also to remove encroachment, if any, made by other persons including the Petitioner on the subject property, after causing necessary inspection.

2. Recording the above facts, no further order is required in this matter.

-sd/-

19/07/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY
THE GOVERNMENT OF TAMIL NADU
PUBLIC WORKS DEPARTMENT,
FORT ST. GEORGE, CHENNAI-09

2 THE DISTRICT COLLECTOR
COIMBATORE, COLLECTORATE OFFICE,
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6. THE DISTRICT ENVIRONMENT
ENGINEER, TN POLLUTION CONTROL BOARD,
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SIDCO INDUSTRIAL ESTATE, POLLACHI MAIN RD,
KURIHCI COIMBATORE DT

Order

in

WP.No.20487 of 2018

Date :19/07/2021

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KP(17/09/2018)

KP(09/03/2021)

KP(08/07/2021)

KP(28/07/2021)