

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.8516 of 2021
and
W.M.P.Nos.9073 and 9074 of 2021

K.Kemban

.. Petitioner

-vs-

1. The District Collector,
Office of the Collectorate,
Tiruppur District.
 2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Kumaran Road, Tiruppur 641 601.
 3. The Director of Town Panchayats,
Kuralagam, Chennai 600 108.
 4. The Executive Officer,
Muthur Town Panchayat,
Kangeyam Road, Muthur,
Tiruppur District.
 5. The Managing Partner,
Kanganam Constructions,
Peranium, Kolathupalayam Via,
Dharapuram.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Ceriorari to call for the records from 4th respondent pertaining to work order vide Roc No.450/2015 dated 29.01.2016, in favour of 5th respondent and quash the same.

Prayer in W.M.P.No.9073 of 2021:

Petition filed under section 226 of the Constitution of India praying to dispense with the production of original impugned work order vide Roc No.450/2015 dated 29.01.2016 which was issued by 4th Respondent for present.

Prayer in W.M.P.No.9074 of 2021:

Petition filed under section 226 of the Constitution of India praying to interim injunction from restraining the Respondents from construction of composite yard by 5th Respondent vide Roc No.450/2015 dated 29.01.2016 pending disposal of writ petition.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.V.Jayaprakash Narayanan
State Government Pleader
for RR 1 to 5

ORDER

(Made by The Hon'ble Chief Justice)

There are two aspects to this so-called public interest litigation: one pertaining to a work order issued in favour of the fifth respondent on January 29, 2016; and the other pertaining to the dumping of waste and a compost yard at the Muthur weekly market place in Chinna Muthur Village, Kangayam Taluk, Tiruppur District.

2. It appears that a previous writ petition, being W.P.No.17 of 2019, was dismissed by this Court with the observation that the local municipal authorities ought to ensure that there is no nuisance faced by the local residents.

3. As far as the work awarded in favour of the fifth respondent is concerned, no action can be taken on the basis of the present petition and the vague allegations therein. However, it is left open to the petitioner to make a representation to the local municipal authorities for maintaining a degree of cleanliness and hygiene at any place which has been identified for dumping waste or for use as a compost yard. Regular sanitation and cleaning work must be undertaken to ensure that citizens residing nearby are not put to any difficulty or face any health hazard.

4. In the event the petitioner makes a representation pertaining to the dumping ground and compost yard to the fourth respondent within four weeks from date, the fourth respondent should dispose of such representation by a speaking order within eight weeks of the receipt thereof and indicate the measures taken to deal with the perceived menace. The fourth respondent is reminded that the municipal authorities are under a duty and obligation to ensure that dumping grounds are not close to areas of habitation and that the waste material should be treated hygienically and scientifically so as to ensure that there is no nuisance or foul odour that the local inhabitants have to face.

W.P.No.8516 of 2021 along with W.M.P.Nos.9073 and 9074 of 2021 are disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

SRA

To

1. The District Collector,
Office of the Collectorate,
Tiruppur District.
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Kumaran Road, Tiruppur 641 601.
3. The Director of Town Panchayats,
Kuralagam, Chennai 600 108.
4. The Executive Officer,
Muthur Town Panchayat,
Kangayam Road, Muthur,
Tiruppur District.

+1cc to Mr.P.Saravanan, Advocate, S.R.No.22229

W.P.No.8516 of 2021

RLD(CO)
TE (28/04/2021)