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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15132 of 2021

E.Palanichamy

.. Petitioner

Vs.

1.The District Collector,
Coimbatore Collectorate,
Coimbatore - 18.

2.The Executive Officer,
Annur Town Panchayat Officer,
Annur,
Coimbatore District.

3.The Thasildar,
Annur Taluk Office,
Coimbatore District.

4.The Chairman,
The Tamilnadu State Pollution Control Board,
No.76, Anna Salai,
Industrial Estate,
Guindy,
Chennai - 600 032.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 23.06.2021 on the basis of the letter dated 05.02.2021 sent by the President, Kuppanur Panchayat consequently forbearing the respondents 1 to 3 or their men, agents, servants or anybody from execution of unit under Solid Waste Management Scheme at Kuppanur Village, Coimbatore.

For Petitioner

: Mr.B.Manimaran



For Respondents

: Mr.P.Muthukumar
Counsel for the State
for respondent Nos.1 to 3

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ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The petitioner seeks to prevent establishment of a solid waste management facility at Kuppanur Village, Coimbatore.

2. The petitioner states that Kuppanur Village has a population of about ten thousand persons and a large extent of agricultural lands. It is stated that the official respondents have conceived of a solid waste management facility to be located at Kuppanur Village. According to the petitioner, this would be in violation of the Solid Waste Management Rules, 2016, which provides for the manner of identification of a suitable site for a solid waste management facility. In spite of submitting a representation dated 23.06.2021 in this regard, it is stated that respondents 1 to 3 are proceeding with the project.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and states that the first respondent is the appropriate authority to consider and dispose of the petitioner's representation.

4. Subject to applicable rules, the decision as to the identification of a site for the establishment of a solid waste management facility is a matter squarely within the domain of the executive.

5. Nonetheless, without going into the merits of the matter, the first respondent is directed to consider the representation dated 23.06.2021 of the petitioner and dispose of the same by a reasoned order after providing a reasonable opportunity of hearing to all persons affected by such decision. Such reasoned order shall be passed within eight weeks from the date of receipt of a copy of this order.

6. W.P.No.15132 of 2021 is disposed of without any order as to costs. Consequently, W.M.P.No.16035 of 2021 is closed.

s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar



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To:

- 1.The District Collector,
Coimbatore Collectorate,
Coimbatore - 18.
- 2.The Executive Officer,
Annur Town Panchayat Officer,
Annur,
Coimbatore District.
- 3.The Thasildar,
Annur Taluk Office,
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- 4.The Chairman,
The Tamilnadu State Pollution Control Board,
No.76, Anna Salai,
Industrial Estate,
Guindy, Chennai - 600 032.

+1 CC to Mr.B.Manimaran, Advocate sr 35160.
+1 CC to The Government Pleader sr 35302.

W.P.No.15132 of 2021

VBM(CO)
SP(26/07/2021)