



WEB COPY

W.P.(MD) No.8328 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.8328 of 2020

K.Kavitha

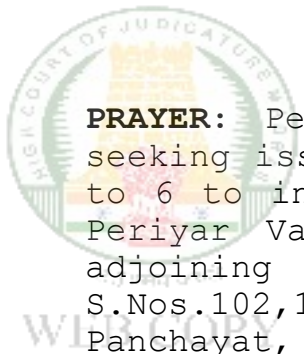
.. Petitioner

Vs

1. The District Collector,
District Collectorate,
Madurai.
2. The Chairman,
Tamilnadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai - 600 032.
3. The Chief Engineer,
Public Works Department,
(Water Resources Organisation),
Madurai Region, Thallakulam,
Madurai - 625 002.
4. The Commissioner,
HR & CE Department,
119, Uttamar Gandhi Salai,
Nungambakkam, Chennai - 600 037.
5. The Block Development Officer,
Madurai East Panchayat Union,
Madurai.
6. The President,
Y.Othakadai Village Panchayat,
Y.Othakadai, Madurai - 625 107.
7. The Fit Person,
Arulmigu Kothandaramasamy Temple,
Y.Othakadai, Madurai District.

(R7 impleaded vide Court order dated
13.08.2020 in W.M.P(MD).No.8144/2020
in W.P(MD).No.8328/2020)

... Respondents



PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 6 to initiate appropriate action to clean and maintain the PWD Periyar Vaikkal at S.No.145 in Kodikulam Bit-1 village and the adjoining land belonging to Kothandaramasamy Temple located in S.Nos.102,159,160,163/2 at Narasingam Bit-4 Village in Othakadai Panchayat, Madurai District by considering the representation of the petitioner dated 05.03.2019.

For Petitioner : Mr.K.K.Udayakumar

For respondents : Mr.A.K.Manikkam,
Standing Counsel for
Government
for R1 to R3
Mr.S.Manohar for R7
No Appearance for R4 to R6

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

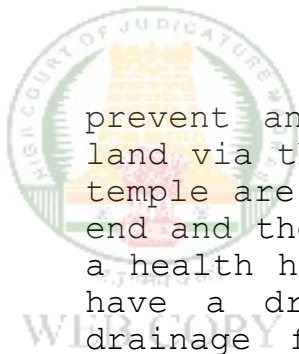
Heard Mr.K.K.Udayakumar, learned Counsel appearing for the writ petitioner; Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents 1 to 3; Mr.S.Manohar, learned counsel appearing for the seventh respondent and none appeared for R4 to R6.

2. This writ petition has been filed bringing to the light the sorry state of affairs in an area proximity to the Madurai Bench of Madras High Court, namely, Y.Othakadi Panchayat area.

3. Vast extent of land is owned by the Arulmighu Gothandaramasamy Temple. The site has been used as a garbage dumping yard and partially as an open toilet. There is a water channel running in between the land owned by the temple and the same was filled with garbage and sewage water has been let in to the channel by the residents of the area. The matter has been brought to the notice of this Court and directions were issued and periodically orders were passed and today, a status report has been filed with photographs, which shows that there is a slight improvement from what it was about an year back. Nevertheless, much has to be done.

4. The learned counsel appearing for the petitioner submitted that the petitioner today has shared photographs to show the garbage is still being dumped in the temple land and the temple land is used as an open toilet.

5. Mr.S.Manohar, learned counsel appearing for the respondent-Temple submitted that the temple has fenced the entire property nearly 9.49 Acres and within their capacity they are trying to



prevent any encroachment, however, peoples are entering into the land via the channel and the watch and ward which are posted by the temple are unable to control them. Open defecation has to be put to end and the people of the area has to be sensitized as to how it is a health hazard. That apart, the Y.Othakadi Panchayat area does not have a drainage facilities either open facility or underground drainage facility and therefore, septic tanks alone has to be installed by each of the houses.

6. We are informed that most of the houses let the drainage and sewage water into the channel. If that is so, the sixth respondent-President of the Panchayat should immediately take action by imposing fine as well as cutting the water supply to those houses which do not properly discharge the drainage and sewage water. The fifth respondent shall also conduct surprise inspection to ensure that the temple land is not misused for the purpose of dumping garbage or being used as an open toilet and issue strict instructions to the staff.

7. In order to sensitize the people of the area as to the ill effects of the open defecation, the District Collector, Madurai, is requested to send a team of Health experts or health visitors with pamphlets and under Public Address System to educate the people of the area and to stop the menace.

8. This is all this Court can do in a public interest litigation and much of the remedial measures lies in the will of the people who reside in Y.Othakadi Panchayat. We hope authorities to take note of the observations made by us in this order and implement the remedial measures.

9. With the above observations, this **writ petition stands disposed of**. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

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6. The President,
Y.Othakadai Village Panchayat,
Y.Othakadai, Madurai - 625 107.

+1 CC to M/s.K.K.UDAYAKUMAR, Advocate (SR-23080[F] dated 19/07/2021)
+1 CC to M/s.S.MANO HAR, Advocate (SR-23274[F] dated 20/07/2021)
+1 CC to M/s.GP (SR-23337[F] dated 20/07/2021)

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RK (30.07.2021) 4P 10C