



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11474 of 2021

and

W.M.P. (MD) .No.9002 of 2021

Thirupuvanam Nelmudikarai
Pasana Vivasaigal Sangam,
Rep by its President,
S.Selvam,
S/o.Sundarrajan,
Thirupuvanam Pudhur Village,
Thirupuvanam Taluk,
Sivagangai District.

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Sivagangai District.

2.The Assistant Director of Panchayats,
O/o.The Assistant Director of Panchayats,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
O/o.the Revenue Divisional Office,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

5.Thirupuvanam Town Panchayat,
Rep by its Executive Officer,
Thirupuvanam,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the respondents 1 to 5 from setting up the Garbage Dumping yard in Survey Nos.22



situated at Valayanenthall Village, Thirupuvanam Taluk, Sivagangai District within the prohibited Area as specified in Schedule I (A) (vii) of Solid Waste Management Rules, 2016.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents

Nos. 1 to 4 : Mr.A.K.Manickam Standing counsel
for Government

For Respondent No.5 : Mr.S.Krishnan

O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.T.Lajapathi Roy, learned Counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondents 1 to 4 and Mr.S.Krishnan, learned Counsel appearing for the fifth respondent.

3.This Writ Petition has been filed seeking to forbear the respondents 1 to 5 from setting up the garbage dumping yard in Survey No.22 situated at Valayanenthall Village, Thirupuvanam Taluk, Sivagangai District within the prohibited area as specified in Schedule I (A) (vii) of Solid Waste Management Rules, 2016.

4.The petitioner's grievance is that the fifth respondent town panchayat is proposing to set up a garbage dump yard in Survey No.22, Valayanenthall Village, which is classified as Kalam and according to the petitioner in terms of Solid Waste Management Rules, 2016, it is a prohibited area.

5.Learned Counsel for the fifth respondent, on instructions, from the Executive Officer submitted that no final decision has been taken to locate the garbage dump yard in the said area and only inspections were conducted, because as per the directions of the Hon'ble Supreme Court that solid waste management system should be adopted in all the local bodies and without the approval of the District Collector, the garbage dump yard will not be located and it will be located in accordance with the provisions of the Solid Waste Management Rules. The said submission is placed on record.

6.The learned Government Counsel, on instructions, submitted that the authorities are in the look out for a different site. This submission is also placed on record.



7. With the above observation, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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

1. The District Collector,
O/o. The District Collector,
Sivagangai District.
2. The Assistant Director of Panchayats,
O/o. The Assistant Director of Panchayats,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.
5. The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-22102[F] dated 12/07/2021)

W.P.[MD]No.11474 of 2021

09.07.2021

MJ(CO)

LR (16.07.2021) 3P 7C