



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.18057 OF 2021
and
W.M.P(MD)No.14915 of 2021

KR.Rajendran

:Petitioner

.vs.

- 1.The District Collector,
Pudukkottai District,Pudukkottai.
- 2.The Assistant Director of Panchayats,
Pudukkottai District,Pudukkottai.
- 3.The District Project Officer,
Pudukkottai District,
Pudukkottai.
- 4.The Block Development Officer,
Thirumayam Union,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents 1 to 4 from constructing a unit for dumping Bio-Degradable and Non-Degradable waste for establishing Bio-Gas Plant in S.F.No.735/2, Melapaniyur Village, Thirumayam Taluk, Pudukkottai District based on the Petitioner's representation, dated 03.09.2021.

For Petitioner : Ms.A.Arul Jennifer
for Mr.K.Baalasundharam

For Respondents : Mr.P.Thilakkumar
1 to 4 Government Pleader

O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The Petitioner has filed the above Writ Petition as a 'Public Interest Litigation' to issue a Writ of Mandamus forbearing the respondents 1 to 4 from constructing a unit for dumping Bio-Degradable and Non-Degradable waste for establishing Bio-Gas Plant



in S.F.No.735/2, Melapaniyur Village, Thirumayam Taluk, Pudukkottai District based on the Petitioner's representation, dated 03.09.2021.

2.It is the case of the Petitioner that during rainy season, the rain water is collected from the feeding channels and drained into 'Madhagu Pallam' in S.F.No.735/2, measuring an extent of 4.05 Ares and the authorities are taking steps to establish a Bio-Gas Plant in S.F.No.735/2. However, the learned counsel for the Petitioner contended that in the event of the establishment of the Bio-Gas Plant in the 'Madhagu Pallam', it would result in blocking the water course leading to the Oorani.

3.Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1 to 4 produced the Adangal Extract in respect of S.F.No.735/2 and on a perusal of the same, it could be seen that the land in S.F.No.735/2 is a vacant land belonging to the Government. Further, the learned Government Pleader, on instructions, submitted that the project of establishment of a Bio-Gas Plant is a Central Government Project and that by establishing the plant in the vacant land belonging to the Government, no prejudice would be caused to the villagers and further submitted that there will not be any disturbance affecting the environment of the village.

4.Since the land in S.F.No.735/2 has been classified as a vacant land belonging to the Government, it cannot be construed as a water body. The contention of the learned counsel appearing for the Petitioner cannot be accepted, in view of the Adangal Extract produced by the learned Government Pleader. Further, by establishing a Bio-Gas Plant in S.F.No.735/2, it would only benefit the villagers.

5.In such view of the matter, the Petitioner is not entitled for any relief as sought for in the Writ Petition. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AD II)

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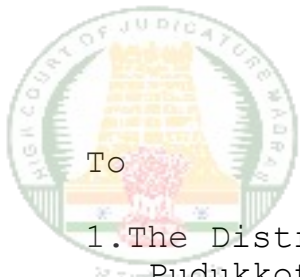
/ /2021

Sub Assistant Registrar(CS)

vsn

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,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director of Panchayats,
Pudukkottai District,
Pudukkottai.

3.The District Project Officer,
Pudukkottai District,
Pudukkottai.

4.The Block Development Officer,
Thirumayam Union,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-31352[F] dated 06/10/2021)

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and

W.M.P (MD) No.14915 of 2021

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MGJ(20.10.2021) 3P 6C