



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.22290 of 2021
and
W.M.P. No.23517 of 2021

M.A.V.Royal Square Apartment,
Association rep. by its Secretary
V.Vimalathithan

..Petitioner

-vs-

1. The Assistant Director,
O/o.Director of Town Panchayat,
Chenglepet District.
2. The Executive Officer,
Madambakkam Special Grade Panchayat,
Chennai - 600 126.

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for the records relating to the notice dated 30.07.2021 passed by the second respondent in Na.Ka.No.265/2021 and quash the same.

For Petitioner : Mr.S.Parthasarathy

For respondents: Mr.K.V.Sajeev Kumar,
Special Government Pleader

Mr.D.Baskar,
Advocate Commissioner

ORDER

(Order of the Court was made by T.RAJA, J.)

The petitioner has filed this writ petition, challenging the impugned notice dated 30.07.2021 issued by the second respondent in Na.Ka.No.265/2021.



2. Learned counsel for the petitioner submitted that the petitioner Association is a registered Association under the Societies Registration Act and that there are totally 23 members and 23 Flat owners in the Association and in the said flats, the petitioner Association had installed Bio Septic Tank system, which is approved by the State Government as per G.O. No.106 dated 01.09.2014. While so, on 01.06.2021, the petitioner Association received a notice from the second respondent alleging that a telephone complaint was received from the residents of Mamoothiamman Koil Street stating that the petitioner Association have installed bio septic tank in the middle of the road, which prevents the rain water passage and therefore, the petitioner Association was called upon to remove the same. On receipt of the said notice, the petitioner sent a reply stating that the said bio septic tank is not installed in the middle of the road, but, it was installed inside their premises. Therefore, by representation dated 26.06.2021, the petitioner requested the respondents to send the water for test, but, no inspection was conducted. Finding no response, the petitioner has sent another representation dated 02.07.2021 stating that bio septic tank is installed within the premises of the petitioner Association and it will not affect the public, neighbours or the area people. On 12.07.2021, the second respondent's Engineer inspected the premises, where the petitioner Association explained that the septic tank is within their premises and no bad smell emanates from the tank. Despite the same, the second respondent passed the above impugned order dated 30.07.2021 calling upon the petitioner Association to remove the septic tank within 7 days, failing which, action will be initiated under Section 140 of the Tamil Nadu Panchayat Act and Public Health Act. Challenging the same, the petitioner is before this Court.

3. After hearing the parties, this Court on 13.04.2022 has passed the following order:

'Therefore, the petitioner is permitted to construct a new septic tank, after putting up concrete wall and basement, to ensure that there would be no seepage from the new septic tank, by affecting the neighbouring land or borewell. After constructing the new septic tank, the old one shall be discarded.'

4. Learned counsel appearing for the petitioner has filed some photo copies showing that the petitioner Association has shifted the septic tank within their premises to avoid water pollution, affecting public and neighbours residing in the same locality.

5. Learned Special Government Pleader appearing for the respondents submitted that since the complaint filed by the



public shows that the bio septic tank built up by the petitioner, outside the premises of the petitioner association has caused huge water pollution due to the seepage of water from the bio septic tank and in view of the above order passed by this Court, the petitioner Association has now shifted the septic tank inside their premises.

6. In view of the submission made by the learned Special Government Pleader appearing for the respondents that the septic tank has been shifted within the premises of the petitioner association, pursuant to the order passed by this Court, the writ petition stands disposed of. No costs. Consequently, W.M.P. No.23517 of 2021 is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Assistant Director,
O/o.Director of Town Panchayat,
Chenglepet District.
2. The Executive Officer,
Madambakkam Special Grade Panchayat,
Chennai - 600 126.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.32849

+1cc to the Government Pleader, S.R.No.34239

W.P.No.22290 of 2021
and
W.M.P. No.23517 of 2021

MT(CO)
RGA(21/06/2022)