



W.P.(MD)No.12360 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12360 of 2022

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... Petitioner

Vs

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Commissioner,
Sankarankovil Municipality,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to restraint the respondents from letting-out the drainage water into the water body, namely, urkulam situated in Survey No.368/19 Sankarankovil Village, Sankarankovil Taluk, Tenkasi District.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1

Mr.P.Mahendran
Standing Counsel for R.2



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ORDER

Heard the learned counsel on either side.

2. The writ petitioner is residing near the water body known as Urkulam. It is spread over 64 acres. The grievance of the petitioner is that the drainage water from the residences of the locality is let out into the said water body.

3. The learned counsel appearing for the petitioner draws my attention to Sections 24 and 25 of the Water (Prevention and Control of Pollution) Act, 1974. It can be seen therefrom that the consent from the Pollution Control Board will have to be obtained before letting out any polluting matter into a water body.

4. The learned Standing Counsel would state that the practice of letting out sullage water into the said water body has been going on several decades. Merely because, this is a long standing practice, that cannot be allowed to continue for perpetuity. Courts have to become sensitive to ecological concerns. The Hon'ble Supreme Court in case after case, has stressed the importance of maintaining water body in a good condition. The District Environmental Engineer, Tamil Nadu Pollution Control Board, Tirunelveli is directed to



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inspect the spot and conduct study. The petitioner is also permitted to submit a detailed representation to the District Environmental Engineer, Tirunelveli. The District Environmental Engineer, after undertaking a detailed study, shall issue appropriate instructions and directions to the second respondent. This can even include setting up of a treatment plant. The overall aim of the proposed measures will be to ensure that the petition mentioned water body, namely, Urkulam, should not be polluted. The entire exercise will be carried out within a period of six months from the date of receipt of copy of this order.

5. This writ petition is disposed of on these terms. No costs.

05.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Registry is directed to mark a copy of this order to the District Environmental Engineer, Tamil Nadu Pollution Control Board, Tirunelveli.

To

1. The District Collector,
Tenkasi,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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2.The Commissioner,
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