



WEB COPY



Writ Petition No.17192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.17192 of 2023

and

W.M.P.No.16367 of 2023

The Chennai Metropolitan House/Flat Owner's
Welfare Association,
represented by its President,
G.Subramanian

...Petitioner

Vs

- 1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 028.
- 2.The Commissioner,
Greater Chennai Corporation,
Chennai - 600 007.
- 3.The Chief Engineer,
K.K.Nagar West Division,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 078.
- 4.The Area Engineer,
Zone-X, Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 040.



Writ Petition No.17192 of 2023

5. The District Environment Engineer,
Tamil Nadu Pollution Control Board,
First Floor, 950/1, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 4 to abandon construction of new Sewerage Pumping Station in land situated at the intersection of Alagirisamy Salai and Laxmanaswamy Salai, forming a part of the 7th Sector, K.K.Nagar, Chennai since it may post severe health hazard to local residents/school children.

For Petitioner : Mr.N.Ponraj
for Mr.C.Prabhu

For Respondents : Mrs.K.Vasanthamala
Standing Counsel [R1, R3 & R4]
Mr.E.C.Ramesh
Standing Counsel [R2]
Mrs.Shanmugavalli Sekar
Standing Counsel [R5]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondents to act upon the representations made by the petitioner association and to stop the construction of the Sewerage Pumping Station in the 7th Sector at K.K.Nagar, Chennai.



2. Heard Mr.N.Ponraj, learned counsel appearing for the petitioner, Mrs.K.Vasanthamala, learned Standing Counsel appearing for respondents 1, 3 and 4, Mr.E.C.Ramesh, learned Standing Counsel appearing for second respondent and Mrs.Shanmugavalli Sekar, learned Standing Counsel appearing for fifth respondent.

3. The main grievance that has been expressed by the petitioner association is that an attempt is being made by the Chennai Metropolitan Water Supply and Sewerage Board, to construct a new Sewerage Pumping Station in the 7th Sector at K.K.Nagar. According to the petitioner, this is being done without following the procedure and without obtaining approval as contemplated u/s.25 of the Water Prevention and Control of Pollution Act, 1974. The further grievance of the petitioner association is that the 7th Sector is a thickly populated area with several schools and the Sewerage Pumping Station will cause health hazard to the local population and it will also cause undue hardship to the children, who attend school in the locality.

4. *Per contra*, learned Standing Counsel appearing on behalf of the Chennai Metropolitan Water Supply and Sewerage Board brought to the



notice of this Court G.O.(Ms) No.62, dated 28.04.2022. On going through the same, it is seen that the Government has sanctioned and approved the project of "improvement of Sewer Collection System along Anna Main Road from Ashok Nagar Sewage Pumping Station (SPS) up to Nesapakkam Sewage Pumping Station (SPS)". The project costs has been fixed at Rs.3,153.90 lakhs. Pursuant to this sanction, the work is being carried out. Learned Standing Counsel submitted that the requirement of getting an approval from the Pollution Control Board does not arise in this case since the sewage is going to be collected from all the sectors and it is going to be pumped to Nesapakkam through pipelines where the treatment plant has been established. Therefore, learned counsel submitted that there is no question of any sewage water being let out. It was further submitted that steps have already been taken to ensure that bad odour does not emanate from the pumping station.

5. In the considered view of this Court, the residents of the 7th Sector have knocked the doors of this Court by apprehending that the construction of the Sewage Pumping Station will cause health hazard to the residents and they will be put to untold hardship due to the odour that emanates from the



pumping station. It is true that the Government must take steps to complete projects which are for the welfare of the general public. However, during this process, if the people in the locality raise any apprehension, the authorities must lend their ears for the grievances expressed and must try to explain the people as to how the project is undertaken for the welfare of the people in and around that place. In the course of such a hearing, there may be certain genuine grievances expressed which have to be attended to. Therefore, it will be more appropriate to have a hearing with the local residents who are raising certain apprehensions. At least, the general public will be satisfied that they were given a chance to ventilate their grievance and it will also give an opportunity to the authorities to attend to any genuine grievance expressed by the residents. Hence, while the project can go on, it will be fit and proper if the respondents arrange for a grievance day and listen to the grievance expressed by the residents. Wherever an explanation can be given, the same shall be done and wherever there is a genuine complaint, the same can be attended to. By undertaking this process, the people can also be educated that the project is undertaken only for the welfare of the people in the locality and to ensure that K.K.Nagar area does not get clogged/flooded during rainy season. This Court hopes that such an effort taken on the side



Writ Petition No.17192 of 2023

of the Chennai Metropolitan Water Supply and Sewerage Board will pave way for going ahead with the project and completing the same in a smooth manner. The grievance day can be fixed within a period of two (2) weeks from today. It is made clear that the project work can go on and hearing the grievance of the general public shall not stop the progress in the project.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

09.06.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

6/8



Writ Petition No.17192 of 2023

WEB COPY

- 1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 028.
- 2.The Commissioner,
Greater Chennai Corporation,
Chennai - 600 007.
- 3.The Chief Engineer,
K.K.Nagar West Division,
Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 078.
- 4.The Area Engineer,
Zone-X, Chennai Metropolitan Water Supply and
Sewerage Board,
Chennai - 600 040.
- 5.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
First Floor, 950/1, Poonamallee High Road,
Arumbakkam, Chennai - 600 106.

N.ANAND VENKATESH, J



WEB COPY



Writ Petition No.17192 of 2023

gm

Writ Petition No.17192 of 2023

09.06.2023