



W.P.No.14436 of 2020 & W.M.P. No.17924 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.14436 of 2020 &
W.M.P. No. 17924 of 2020

S. Murugesan

...Petitioner

Vs.

1. The Deputy Director of Town and Country Planning
No.6, Subramaniam Nagar
Suramangalam, Salem 636 302
2. The District Collector
Erode District, Erode 638 011
3. The Assistant Director of Rural Development,
Panchayats, Erode 638 011
Erode District.
4. The Block Development Officer,
Gobichettipalayam, Erode District.
5. M. Loganathan
6. The Chairman,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate



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Kalyanasundaram Street,Chennimalai Road,
Erode, 638 009

7. The Secretary,

Municipal Administration and Water Supply Department,
Secretariat, Fort. St. George
Chennai 500 009.

... Respondents

(R6 Sua Motu impleaded vide order dated 09.09.2022 by TRJ, PDAJ
R7 Sua Motu impleaded vide order dated 18.11.2022 by RSMJ, KBJ.)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Na.Ka.No.17716/2018 Sa Dn-3 dated 12.02.2020 passed by the 1st respondent, quash the same and consequently forbear the 5th respondent from constructing a common sewage tank in the park area of the unapproved layout formed in S.F. Nos. 105 and 106 of Nadhipalayam Village, Gobichettipalayam,Erode District.

For Petitioner	: Mr. Shrish for Mr. N. Manokaran
For R1 to R3 & R7	: Ms. R.L. Karthika, Government Advocate
For R4	: Mr. K.V. Sajeew Kumar
R5	: Mr. N. Balamurali Krishnan
For R6	: Ms. Shanmugavalli Sekar



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ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The petitioner has come out with the present Writ Petition praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Na.Ka.No.17716/2018 Sa Dn-3 dated 12.02.2020 passed by the 1st respondent, quash the same and consequently forbear the 5th respondent from constructing a common sewage tank in the park area of the unapproved layout formed in S.F. Nos. 105 and 106 of Nadhipalayam Village, Gobichettipalayam, Erode District.

2. Heard the learned Counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 to 3 and 7 and learned Counsel appearing for the 4th respondent, learned counsel appearing for the 5th respondent and learned counsel appearing for the 6th respondent and perused the entire materials on record.



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3. According to the petitioner, the 5th respondent has formed an unapproved layout and made arrangements to let in the drainage water into the seepage canal, which will pollute the water in the seepage canal and affect the agricultural activities of the petitioner and others. The petitioner gave various representations and filed Writ Petitions before this Court. This Court by order dated 11.02.2019 made in W.P. No.3145 of 2019, directed the 2nd respondent to consider the representation of the petitioner and pass orders on merits after affording opportunity to the petitioner as well as the 5th respondent within a period of 12 weeks from the date of receipt of a copy of the order. The 2nd respondent conducted enquiry. The petitioner as well as the 5th respondent appeared before the 2nd respondent for enquiry. During the course of enquiry on 01.07.2019, the 2nd respondent orally informed the authorities to prevent the 5th respondent from connecting the drainage into the Agricultural seepage canal.

4. Learned counsel appearing for the 5th respondent submitted that the Pollution Control Board authorities, after inspecting the layout, filed status report stating that there is no constructional activities in the layout. It



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is further submitted that the 5th respondent is going to construct the sewage treatment plant in the reserved area for STP and not in the area ear marked for park as ordered by the 2nd respondent. In view of the same, it is contended by the learned counsel appearing for the 5th respondent that the objections raised by the petitioner that the 5th respondent is constructing Sewage Treatment Plant in the place earmarked for park in the approved layout is not correct and he also filed counter to that effect. Further the learned counsel appearing for the 5th respondent submitted that the 5th respondent has no objection to set aside the impugned order and seeks only liberty to approach the authority for construction of Sewage Treatment Plant.

5. Considering the above materials and that the 1st respondent has given permission to the 5th respondent to establish the Sewage Treatment Plant in the place earmarked for park in the proposed layout and the submission of the learned counsel appearing for the 5th respondent that the 5th respondent is not going to construct the Sewage Treatment Plant in the place earmarked for park, the portion of the impugned order permitting



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the 5th respondent to establish Sewage Treatment Plant in the place earmarked for park alone is set aside. In the impugned order, the 2nd respondent has directed the 5th respondent not to connect the drainage canal into seepage canal. That portion of the order is confirmed. It is open to the 5th respondent to approach the respondents 1 and 2 for establishment of Sewage Treatment Plant in some other place. If such application is made, the 2nd respondent is directed to consider the same on merits and in accordance with law after affording opportunity to the petitioner as well as the 5th respondent and other interested persons, and pass orders within 12 weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

(V.M.V.,J.)

(R.H.,J.)

10.01.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

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