



WP No.19825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.19825 of 2023

D.Venkaesan

: Petitioner

versus

- 1.The District Collector,
Tiruvallur District.
- 2.The Revenue Divisional Officer,
Ponneri, Tiruvallur District.
- 3.The Tahsildar,
Gummidipoondi,
Tiruvallur District.
- 4.The Divisional Joint Director,
Animal Husbandary Welfare Department,
Tiruvallur District.
- 5.The Executive Officer,
Ayanallur Town Panchayat,
Gummidipoondi, Tiruvallur District.
- 6.The Executive Officer,
Gummidipoondi Town Panchayat,
Tiruvallur District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for

Page 1 of 8



WP No.19825 of 2023

issuance of a Writ of Mandamus forbearing the respondents from implementing the Solid Waste Management Scheme in the property at S.No.60/1 to an extent of 13.85.0 hectares of meikal poromboke at Ayanallur Village, Gummidipoondi Division, Tiruvallur District.

For the Petitioner : Mr.S.Parthasarathy
For the Respondents : Mr.P.Muthukumar,
State Government Pleader,
Assisted by Mrs.R.Anitha,
Special Government Pleader

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.S.Parthasarathy, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. The petitioner seeks directions against respondents not to implement the Solid Waste Management Scheme in the property at S.No.60/1 to an extent of 13.85.0 hectares of meikal poromboke at Ayanallur Village, Gummidipoondi Division, Tiruvallur District.

3. The Full Bench of this court in the case of *P.Karthikeyan and*



WP No.19825 of 2023

ors. Vs. Commissioner, Coimbatore Corporation, in WA No.4078 of 2019, vide order dated 26.04.2021, has given certain directions to the State Government.

The relevant portion is extracted as under:

"250. Accordingly, the following directions are given to the State Government:

(1) The Government is directed to form a Committee at the State, District, Municipal and Panchayat levels with the officials concerned at each level, monitoring the implementation of the SWM Rules, 2016.

(2) The Committees, apart from chosen officials, may also include a concerned member, from the neighbourhood wherever such MCCs or the Compost Yard is to be located.

(3) The Committees are responsible for monitoring the upkeep and maintenance of MCCs and the Compost Yards and any issues relating to improper upkeep and poor maintenance of MCCs, or Compost Yards, the Committees should be empowered to intervene and take immediate remedial action.



WP No.19825 of 2023

(4) Once the site for location of a MCC or other Compost Yard is identified and set up, thereafter, the objections regarding the proper maintenance of the park / recreational area from being spoiled by the operation of MCC, if raised, shall be addressed, with all earnestness.

(5) The officials who are incharge of MCCs and Compost Yards shall ensure that the disposal facility does not fall into disuse, resulting in the place becoming a dumping yard of garbage, leading to the degradation of the entire open space toxically detrimental to the citizens enjoyment of clean environment.

(6) Any negligence of officials towards proper upkeep and maintenance of MCC or Compost Yards, stern disciplinary action to be initiated promptly against the officials concerned and if negligence is proved, appropriate punishment to be imposed on them.

(7) The Government is directed to issue



WP No.19825 of 2023

a comprehensive Circular incorporating all necessary guidelines for the State/ District/ Panchayat Committees in implementation of the various facets of the SWM Rules, 2016, ensuring that the guidelines are strictly followed and implemented on the ground.

251. This Bench, in the conspectus of the above judicial discourse, answers the reference as follows.

252. Location of MCCs or the Compost Yard in the park/play field cannot be construed as Development in terms of the scheme of the Act, 1971 or the Combined Development Rules, 2019, and therefore, any prohibition contemplated in the statutory rules and regulations does not apply to the implementation of the concept of solid waste management as envisaged in the SWM Rules, 2016.

253. The SWM Rules, 2016, are framed under the Central enactment, viz., the Environment [Protection] Act, 1986. The Rules thus prevail over the State laws to the extent of the implementation of the policies outlined



WEB COPY



WP No.19825 of 2023

towards solid waste management. Even otherwise, this Court does not see any palpable repugnancy between the SWM Rules, 2016 and the State laws.”

4. In the light of that, it would not be possible for us to pass orders in the present Writ Petition. If the petitioner has made some grievance about the feasibility, it is for the authorities to consider the same. The Writ Petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

06.07.2023

Index : yes/no

Neutral Citation : Yes/No

tar



WP No.19825 of 2023

To:

- 1.The District Collector,
Tiruvallur District.
- 2.The Revenue Divisional Officer,
Ponneri,
Tiruvallur District.
- 3.The Tahsildar,
Gummidipoondi,
Tiruvallur District.
- 4.The Divisional Joint Director,
Animal Husbandary Welfare Department,
Tiruvallur District.
- 5.The Executive Officer,
Ayanallur Town Panchayat,
Gummidipoondi,
Tiruvallur District.
- 6.The Executive Officer,
Gummidipoondi Town Panchayat,
Tiruvallur District.



WEB COPY



WP No.19825 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(tar)

WP No.19825 of 2023

06.07.2023