



W.P.(MD)No.4530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4530 of 2023
and
W.M.P(MD)No.4247 of 2023

M.Kesari Jayakumar

... Petitioner

Vs.

- 1.The Director of Town Panchayat,
O/o. Directorate of Town Panchayats,
Kurazhagam 4th Floor,
Chennai - 600 108.
- 2.The District Collector,
Kanyakumari District @ Nagercoil,
Kanyakumari District.
- 3.The Assistant Director of Town Panchayat,
Collectorate Building,
Nagercoil,
Kanyakumari District.
- 4.The Revenue Divisional Officer,
Thuckalay,
Kanyakumari District.
- 5.The Executive Engineer (PWD / WRO)
Kodayar Basin Division,
Nagercoil,
Kanyakumari District.



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6. The Executive Officer,
Kothanalloor Town Panchayat,
Valikalampadu,
Near Muttaicadu,
Kanyakumari District.

7. The Deputy Director,
Public Health and Preventive Medicine,
Krishnakoil, Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from proceeding further in setting up of garbage dump yard or garbage treatment facility in S.No. 520 at Boothamadam near the foot hills of Kokkoodu Hills, at Velimalai Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.S.Anwar Sudarsan

For R1 to R5 & R7 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner alleges that if the proposed Garbage Dumping Yard is set up, it will have polluting effect on the river flowing nearby.



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The petitioner's specific case is that there is a distance of hardly 30 meters from the proposed sight and the river. The petitioner's agricultural lands are located in the vicinity. It is not in dispute that the clearance of the Pollution Control Board is not obtained.

3.Without getting consent from the Pollution Control Board, the Garbage Dumping Yard cannot be set up. As and when the authorities move the pollution control board for clearance, the pollution control board will put the petitioner on notice and only after hearing the petitioner, appropriate orders would be passed.

4.With this direction to the Pollution Control Board, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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