



W.P(MD)No.27741 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.27741 of 2022

V.Dhanasekaran

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Madurai.

2. The Assistant Director,
Department of Town Panchayat,
Office of the Collector,
Madurai.

3. The Executive Officer,
Cholavandhan Town Panchayat,
Cholavandhan, Madurai District.

4. The District Environmental Engineer,
Pollution Control Board, Madurai.

... Respondents

(R4 is suo motu impleaded vide court order dated 08.12.2022)

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, for issuance of a Writ of Mandamus, directing



W.P(MD)No.27741 of 2022

WEB COPY

the 3rd respondent to immediately stop the construction of Public Toilet on the banks of River Vaigai near to Arulmighu Vattapillaiyar Temple and Arulmighu Saneeswaran Temple situated at Cholavandhan, Madurai and to find an alternative place for the construction of the same on basis of the petitioner's representation dated 28.11.2022 within the time limit that may stipulated by this Court.

For Petitioner	: Dr.Ramesh Mahadev
For R1 & R2	: Mr.P.Thilakkumar, Government Pleader
For R3	: Mr.V.Nirmal Kumar

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

On 23.12.2022, the following order was passed:-

"On 08.12.2022, we passed the following order:-

The prayer sought for in the Writ Petition is to direct the 3rd respondent to immediately stop the construction of public toilet on the banks of Vaigai river near to Arulmigu Vattapillaiyar Temple and Arulmigu Sanesswaran Temple situated at Cholavandhan, Madurai and to find an alternative place for the construction of the same on the basis of the petitioner's representation dated 28.11.2022 within a time frame.



W.P(MD)No.27741 of 2022

WEB COPY

2.It is the grievance of the petitioner that if the public toilet is constructed on the banks of Vaigai river, the entire river water will be polluted. Hence, raising serious objections to the same, he made representations dated 28.11.2022 and 30.11.2022 to the respondents 1 to 3. Since no order has been passed on the representations of the petitioner till date, the petitioner has approached this Court.

3.In view of the above, we are inclined to suo motu implead the District Environmental Engineer, Pollution Control Board, Madurai, as 4th respondent in this Writ Petition and the newly impleaded 4th respondent is directed to inspect the place in question and to file a report as to whether construction of the toilet in the place in question would lead to pollution of the river water as alleged by the writ petitioner before this Court on 14.12.2022.

4.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 and 2, Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the 3rd respondent and Mr.Vijayakumar Natarajan, learned Standing Counsel takes notice for the newly impleaded 4th respondent.

5.Post this matter on 14.12.2022 for filing report.

2. Pursuant to the said order, the 4th respondent has conducted an inspection on the site of the community toilet being constructed in the place in question and filed a report



W.P(MD)No.27741 of 2022

WEB COPY

dated 13.12.2022 stating that as the objective construction of the community toilet is to enhance the environmental hygiene of that area by avoiding open defecation, construction of community toilet in the said site shall be permitted subject to the following conditions:-

i) The waste water generated from the community toilet shall be disposed through the Septic tank arrangement.

ii) The overflow from the Septic tank shall be collected and conveyed into the Sewage treatment Plant of Madurai Corporation functioning at Avaniyapuram through tanker lorries for further treatment after getting necessary permission from the Commissioner, Madurai Corporation.

iii) The Sholavandan Town Panchayat shall maintain logbook for the discharge of waste water into the Sewage Treatment Plant of Madurai Corporation and shall be maintained properly for verification.

iv) The Sholavandan Town Panchayat has to ensure that there shall not be any discharge of waste water into River Vaigai either from the toilet directly or through the Septic tank arrangement under any circumstances."

3. Learned counsel for the 3rd respondent seeks time to file an undertaking affidavit before this Court undertaking to comply with the aforesaid conditions in the report of the 4th respondent dated 13.12.2022.



W.P(MD)No.27741 of 2022

WEB COPY

4. List the writ petition on 09.01.2023 for filing undertaking affidavit by the 3rd respondent."

2. Pursuant to the aforesaid order, the 3rd respondent has filed an undertaking affidavit dated 04.01.2023 undertaking as follows:-

"5. I humbly submit that I had also given an undertaking in Rs.100/- non judicial stamp paper to the Environmental Engineer, Tamil Nadu Pollution Control Board, Madurai in this regard and as per the orders of this Hon'ble Court I am submitting the following undertaking:-

a. I will ensure that the septic tank will be constructed and will clean the waste water from the septic tank before it becomes full so as to dispose of the same as given below.

b. The waste water generated from the community toilet now under construction shall be disposed only through septic tank arrangements.

c. It will be ensured that the overflow from the septic tank shall be collected and conveyed into the Sewage Treatment Plant of Madurai Corporation functioning at Aaniyapuram through tanker lorries for further treatment on obtaining permission from the Commissioner, Madurai Corporation, Madurai.

d. I will ensure maintenance of logbook for the



W.P(MD)No.27741 of 2022

WEB COPY

discharge of waste water into the Sewage Treatment Plant of Madurai Corporation and ensure its proper maintenance for verification.

e. The Sholavandan Town Panchayat that ensures that there will not be any discharge of waste water into Vaigai river from any of the toilets directly or through the Septic tank arrangements under any circumstances."

3. In view of the aforesaid undertaking affidavit dated 04.01.2023, the Writ Petition is closed. The terms of undertaking extracted supra shall form part of this order. We make it clear that the 3rd respondent shall strictly comply with the aforesaid undertaking and if there is any violation of the same, the 4th respondent shall take appropriate action against the 3rd respondent for such violation. No costs.

[D.K.K.,J.] & [R.V.,J.]
09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P(MD)No.27741 of 2022

WEB COPY

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Office of the Collector,
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W.P(MD)No.27741 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 09.01.2023