



WP No.9243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.9243 of 2024

O.Udayakumar

: Petitioner

versus

- 1.The Secretary to Government,
Natural Resources Department,
Chennai 600009
- 2.The Secretary to Government,
Water Resources Department,
Chennai 600009
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Anna Salai, Guindy, Chennai 600003
- 4.The District Collector, Chengalpattu District
- 5.The Assistant Director,
Department of Geology & Mining,
Chengalpattu District
- 6.The Assistant Executive Engineer,
Water Resources Department,
Paranur, Chengalpattu District



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7.The Tahsildar,
Pallavaram Taluk, Kurinji Nagar,
Chrompet, Chennai 600 044

8.The Manager,
Larsen & Toubro Ltd., Heavy Civil Infrastructure,
Mount Poonamallee road,
Manapakkam, P.B.No.979,
Chennai 600089 : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus (i) Calling for the records connected with the proceedings of the 2nd respondent dated 23.11.2023 and quash the same as illegal; (ii) Consequently directing respondents 4 to 7 to restraining the 8th respondent from pouring and dumping the chemical and constructional wastages dumping and polluting the water source which is situated in Survey no.234/2 an extent of 2.50.00 Hectare out of 31.16.00 Hectare, Tiruneermalai Village, Pallavaram Taluk, Chengalpattu District, which is coming out of the tunnel digs in the metro rail project and other chemical factory wastage and industrial wastage in Thiruneermalai new water spring; (iii) Consequently directing the 4th respondent to issue proceedings to the 8th respondent to pouring and dumping the solid and liquid wastage which is coming out of the tunnel digs in the metro rail project and other chemical factory wastage and industrial wastage in Pulikuradu abandoned quarry which is situated at Pulikuradu Village, Pallavaram Taluk, Chengalpattu District, adjacent to the Tiruneermalai new water spring; (iv) consequently directing the 4th to 7th respondents to send the water of the said spring situated in Survey no.234/2 an extent of 2.50.00 Hectare out of 31.16.00 Hectare, Tiruneermalai Village, Pallavaram Taluk, Chengalpattu District to the laboratory analysis, and examine the quality of the water and repair the said spring to make it suitable for public use, by considering petitioner's representation dated 18.12.2023, preferred to respondents 1 to 7 in accordance with law within a stipulated time.

For Petitioner : Mr.B.M.Santharam

For Respondents 1 to 7 : Mr.A.Edwin Prabhakar,
State Government Pleader
assisted by Mr.Karthik Jagannathan,
Government Advocate

ORDER



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(Made by the Hon'ble Chief Justice)

We have heard Mr.B.M.Santharam, learned counsel for the petitioner and Mr.A.Edwin Prabhakar, learned State Government Pleader for respondents 1 to 7.

2. Learned counsel for the petitioner submits that respondent No.8 is dumping chemical and constructional wastes and polluting the water source situate in S.No.234/2, Tiruneermalai Village, Pallavaram Taluk, Chengalpattu District.

3. Learned State Government Pleader submits that vide G.O.Ms.No.23, Industries MMC-1 Department, dated 23.02.2022, the Government has amended Tamil Nadu Minor Mineral Concession Rules, 1959 thereby introducing provision for collection of green fund for the reclamation, restoration and rehabilitation of unused abandoned quarries.

4. As per Rule 35-F(3)(I), there is a provision to convert abandoned quarried pits into dumping yards for solid waste, by adopting suitable technologies. In view of that, permission has been granted to the eighth respondent to dump solid waste, as detailed in the report.

5. Government officials concerned and the Pollution Control Board may



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conduct survey of the subject writ site and may confirm that dumping is done in accordance with the rules and that there would be no contamination of water in the nearby areas. The said survey shall be completed expeditiously, preferably within three months from today.

6. The officials shall also consider whether any other quarried site far away from the water source is available, that could be used for dumping of the solid waste. The said aspect shall also be considered by the authorities.

7. Learned State Government Pleader shall communicate this order to the Pollution Control Board also.

8. The writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP Nos.10275, 10276 of 2024 are closed.

(S.V.G., CJ.) (J.S.N.P., J.)
04.04.2024

Index : Yes/No
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