



WP No.25426 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.Vinoth : Petitioner

Vs

- 1.The District Collector
Thiruvallur District, Thiruvallur.
- 2.The Commissioner
Thiruverkadu Municipality,
Chennai- 600 077.
- 3.The District Environment Engineer
Tamil Nadu Pollution Control Board
Ambattur, Chennai- 600 058.
- 4.The Inspector of Police
T-5 Thiruverkadu Police Station
Chennai- 600 077.
- 5.The Inspector of Police
T-4 Maduravayal Police Station, Maduravayal,
Chennai- 600 095.
- 6.The District Government Engineer
Tamil Nadu Pollution Control, Tiruvallur

7.N.N.D.Transport : Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 1 to 6 to take action against the 7th respondent on the basis of the petitioner's representation dated 18.07.2022 29.08.2022 and 30.08.2022 forth with and pass.

For Petitioner : Mr.M.Gnanasekar
For Respondents 1, 4, 5 : Mr.T.K.Saravanan,
Government Advocate
For Respondent No.2 : Mr.A.Arun Babu
For Respondents 3, 6 : Mr.V.Gunasekar,
Standing Counsel

No appearance for the seventh respondent

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Gnanasekar, learned counsel for the petitioner, Mr.T.K.Saravanan, learned Government Advocate, appearing for respondents 1, 4 and 5; Mr.A.Arun Babu, learned counsel for the second respondent, Mr.V.Gunasekar, learned Standing Counsel for respondents 3 and 6.

2. Learned counsel for the petitioner submits that action deserves to be taken against the seventh respondent for letting



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sewage water into the Koovam River near burial ground in Ward No.18 of Noombal Village opposite to KVN Thirumana Mandapam, Velappanchavady.

3. In similar set of facts, in the case of K.Ilaiyaraja vs. District Collector, Tiruvallur District (WP No.15096 of 2017), dated 10.07.2019, this Court has passed an order that the authorities may proceed to take action against the vehicle owners by filing criminal prosecution.

4. In view of the above, we pass the following order:

(i) The second respondent shall look into the allegations made by the petitioner about letting sewage water into the Koovam River by the seventh respondent.

(ii) If the second respondent comes to the conclusion that the seventh respondent or such other person has committed the acts of letting the sewage water into the Koovam river, or in the rain water canal, then, concerned



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Deputy Commissioner of Police shall be asked to take action against the vehicle owners who have violated the provisions of the Public Health Act.

(iii) The authorities shall also take action against the erring lorry owners, as such acts would also attract offence under Section 102 of the Code of Criminal Procedure read with Sections 268 and 269 of the Indian Penal Code.

4. The writ petition accordingly disposed of. There shall be no order as to costs. Consequently, WMP No.24411 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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