



W.P.(MD) No.11898 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11898 of 2018

and

W.M.P(MD)No.10858 of 2018

Tirumangalam Pioneer Nagar Residents Welfare Association,
Rep. by its Secretary,
M.Vijayakumar

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Department of Housing and Urban Development,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Town and Country Planning,
O/o.the Director of Town and Country Planning,
Opposite to LIC, Chengalvarayan Building,
Fourth Floor, 807, Anna Saalai,
Chennai – 600 002.
- 3.The Deputy Director of
Town and Country Planning,
O/o.the Deputy Director of
Town and Country Planning,



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Hakkim Amalkhan road,
Chinna Chokkikulam,
Madurai – 625 002.

4.The District Collector,
Madurai District,
Madurai.

5.The Commissioner,
Tirumangalam Municipality,
Madurai Road,
Tirumangalam,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent No.5 from converting the Common Space earmarked as Public Park into Garbage Dumping Yard or use the same for any other purpose in the common area earmarked as parks for public utility in Survey No.26/2B2, in the Pioneer Nagar, Tirumangalam Taluk, Madurai District.

For Petitioner	:Mr.P.V.Vetrivel for M/s.T.Lajapathi Roy & Associates
For R-1 to R-4	:Mr.N.Satheesh Kumar, Additional Government Pleader
For R-5	:Mr.K.Hemakarthiskeyan



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The petitioner has filed this writ petition seeking for issuance of a Writ of Mandamus, forbearing the fifth respondent from converting the Common Space earmarked as Public Park into Garbage Dumping Yard or use the same for any other purpose in the common area earmarked as parks for public utility in Survey No.26/2B2, in the Pioneer Nagar, Tirumangalam Taluk, Madurai District.

2. A counter affidavit has been filed by the fifth respondent stating that as per the policy decision of the Government, it has been decided to develop a simple on-site facility in all the parks owned by the Urban Local Bodies in the State of Tamil Nadu for processing the garden waste generated in the parks and directed all the Local Bodies to complete the same immediately. Accordingly, the fifth respondent has constructed two small tubs measuring to an extent of 10 sq. meter each and the same is used to store the garden waste and the same is used for this park only. The processing work method is collecting garden waste in a tub and



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applying the water and Enriched Microbial Inoculum (EMI Solution) for decomposing and the decomposed waste is rotated on daily basis. After completion of 42 days period, natural compost will be produced and it will be sieved and will be used for garden plants. Therefore, there will be no smell or odor because of applying EMI Solution. The same was implemented in 15 parks and the same was put in use successfully. Due to these activities, solid waste collection, transportation and disposal work has been minimized and the natural manure will be sold to the farmers at free of cost and the same was successfully implemented throughout the State.

3. From the averments made in the counter affidavit, it is seen that the fifth respondent Municipality is not converting the public park into Garbage Dumping Yard as alleged by the petitioner and in fact, the Municipality is using a small pit for on-site composting to dispose the garden waste and the end product is manure, which will be utilized for the plants in the garden and also to sell the same to farmers at free of cost.



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4. In view of the categorical statement made in the counter affidavit, the prayer sought for by the petitioner, cannot be maintained.

5. In the result, this writ petition is dismissed. No Costs.
Consequently, connected Miscellaneous Petition is closed.

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

15.02.2024

Neutral Citation: Yes / No
Index : Yes / No
PM



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D.KRISHNAKUMAR, J.



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