



W.P.(MD) No.20303 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR.D.KRISHNAKUMAR,

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.20303 of 2015

M.Ramar

... Petitioner

-Vs-

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Ranger,
Wild Life Range,
Gudalore at Lower Camp,
Theni District.

4.Wild Life Warden,
Megamalai East Division,

Page 1 of 9



W.P.(MD) No.20303 of 2015

NRC Nagar, Housing Board Colony,
Theni.

5.The Conservator of Forest,
Madurai.

6.The Executive Engineer,
Tamil Nadu Pollution Control Board,
Dindigul.

7.The Commissioner,
Guddalore Municipality,
Theni District.

8.The Secretary to Government,
Revenue [LD5(2)] Department,
Fort St. George,
Chennai.

... Respondents

[R8 is impleaded vide order dated 07.07.2017 in W.M.P.(MD)No.9675/2017].

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the proposed 8th respondent in his proceeding in G.O.Ms.No.85 Revenue [LD5(2)] Department, dated 18.03.2013 and quash the same



W.P.(MD) No.20303 of 2015

consequently forbear the respondents herein from in any way altering the lands in S.No.2462/B Mela Gudalore Village, Theni District for putting up garbage dumping yard adjacent to Reserve Forest of the Gudalore Municipality.

[Prayer amended vide order dated 07.07.2017 in W.M.P.(MD)No.9677/17]

For Petitioner : Mr.Ram Sundar Vijayaraj
for M/s.Veera Associates
For R1 to R5 & R8 : Mr.P.Thilak Kumar,
Government Pleader
For R7 : Mr.S.Sundarapandian

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

The present Writ Petition has been filed seeking to restrain the respondent / Municipality from in any way constructing the garbage dump yard in the S.No.2462/B of Mela-Gudalur South Village, Uthamapalayam Taluk, Theni District.

2.At the time of admission, an interim order has been granted by this Court and therefore, there is no construction in the subject property.



W.P.(MD) No.20303 of 2015

WEB COPY

3. According to the petitioner, the said property belongs to the Forest Department and therefore, the respondent / Municipality have no right to construct the said dump yard in the subject property.

4. Counter affidavit has been filed by the fourth respondent herein, wherein in paragraph Nos.6 to 8, it has been stated as follows:

“6.It is humbly submitted that the proposed dumping garbage yard adjacent to the Reserve Forest and within 500 Mts away from Wildlife Sanctuary. The proposed site for Dumping of Garbage in the said property would make harm to all the animals including elephant, tiger and other animals living in the sanctuary. There is every chance of spreading over of insecticides due to the dumping of Garbage as well as spreading disease related Bacteria and Virus.

7.it is submitted that accumulation of waste plastic products inside the forest area would spoil the environmental of the Wildlife Sanctuary. Risk of Possibility of firing in view of dumping of garbage inside the forest area is also not ruled out. The Government of India is making extensive arrangements to safe guard the forest area as intact and to maintain the ecological atmosphere by promulgating various



enactments. Various forest laws have been enacted prohibiting in-habitation of human and usage of the same disturbing the wild animals.

8.It is submitted that the proposed activity of dumping Garbage near the said forest area and near the Wildlife Sanctuary would directly affect the habitation of wild animals and it would also make hindrance and obstacles in the free movements of wild animals. If the garbage is dumped in the above said land, there is very chance of polluted atmosphere and it would indirectly affect the animals living in the said sanctuary.”

5.In such circumstances, since the Forest Department has filed a specific objection by way of counter affidavit for the establishment of the garbage dump yard, we are of the view that such proposal could not have been considered and we find force in the submission of the learned Counsel for the petitioner.

6.In view of the aforesaid objection expressed by the Forest Department through their counter, this Court directs the respondent Municipality not to construct any garbage dump yard in the subject forest land unless and until they get consent from the competent authority.



W.P.(MD) No.20303 of 2015

WEB COPY

7. With the above observation and direction, this Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K., A.C.J.] & [R.V., J.]

26.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MR



WEB COPY



W.P.(MD) No.20303 of 2015

To

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Ranger,
Wild Life Range,
Gudalore at Lower Camp,
Theni District.

4.The Wild Life Warden,
Megamalai East Division,
NRC Nagar, Housing Board Colony,
Theni.

5.The Conservator of Forest,
Madurai.



W.P.(MD) No.20303 of 2015

6.The Executive Engineer,
Tamil Nadu Pollution Control Board,
Dindigul.

7.The Commissioner,
Guddalore Municipality,
Theni District.

8.The Secretary to Government,
Revenue [LD5(2)] Department,
Fort St. George,
Chennai.



WEB COPY



W.P.(MD) No.20303 of 2015

D.KRISHNAKUMAR, A.C.J.

AND

R.VIJAYAKUMAR, J.

MR

W.P.(MD)No.20303 of 2015

26.07.2024