



WP(MD)No.6115 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 12.07.2023

Pronounced on : 11.03.2024

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.6115 of 2016
and
WMP(MD)No.5402 of 2016**

M.Stephen

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Tahsildar,Aganstheeswaram Taluk,
Nagercoil.
- 3.The Commissioner,
Nagercoil Municipality,
Nagercoil.
- 4.The Executive Engineer,
Kodayar Division,
Water Resources Organisation,
Public Works Department,
Nagercoil.
- 5.The Assistant Engineer, Irrigation Section,
Water Resources Organisation,
Public Works Department, Nagercoil.



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6.The President,
Kaniyankulam Village Panchayat,
Kaniyankulam, Krishnankovil Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to prevent the letting of sewage into Krishnankovil Canal and diverting the same into Town Railway Nagar.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.K.Balasubramani,
Spl Government Pleader for R1, R2, R4 & R5

Mr.P.Athimoolapandian for R3

No appearance for R6

ORDER

Heard both sides.

2.The petitioner wants the local body and the District Administration to devise ways and means so as to prevent letting of sewage into Krishnankoil Canal. The status report filed by the Commissioner, Nagercoil Municipality reads as follows :



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"It is humbly submitted that the work of the underground sewage sytem as per the G.O Ms.No.37/MA & WS/MAS Department dated 30.03.2012 is in process within the limits of the Nagercoil City Municipal Corporation.

Once the alleged underground sewage system is materialised and made practical, the sewage waste will be subjected to the sewage Treatment Plant system which is also in construction process within the Nagercoil City Municipal Corporation

It is humbly submitted that at present the septic tank waste being collected by the septic tank cleaning vehicle are taken to a place at Thengamputhoor and are subjected to Deep Row Entrenchment Process.

It is humbly submitted that the underground sewage system is in the completion stage within the limits of the Nagercoil City Municipal Corporation and at present, the sewage collected by the septic tank vehicles are processed as submitted in para 3 above."

3.We are not satisfied with the stand taken by the local body. We are not sure of the efficacy of the Deep Row Entrenchment Process referred to by the local body. We take judicial notice of the fact that septic tank lorries discharge the effluents during night hours in fields and water bodies unnoticed by the officials. This is a regular occurrence. We do not know about the position in Nagercoil. A resident of Virudhunagar who is equally public spirited



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like the petitioner herein filed a writ petition on similar lines. In that case, allegations were made against private septic tank operators. We disposed of the said writ petition with the following directions :

"A) The District Administration and the local body (R1 and R2) are mandated to ensure that no sewage effluent is directly let out into the river Koushika Mahanadhi or any other water body.

B) All the septic tank lorries in Virudhunagar shall be geo tagged so that their real time movement can be tracked.

C) The second respondent is directed to devise a mechanism so that the operators of sewage tank cleaners keep the local body informed about the details of collection and discharge. In other words, when a septic tanker comes to a spot for collection, it must be duly registered in the electronic register maintained by the local body. The date and time and the place of collection and discharge must be mentioned.

D) Affidavits of undertaking must be collected from every operators of septic tank cleaners that the effluents will be discharged only at the notified points. The discharging points will be notified by the second respondent or the first respondent if necessary, within a period of three weeks from the date of receipt of copy of this order. Except at those notified points, if a sewage tanker lorry is found discharging its effluent at any other point, any aggrieved individual may move this Court for initiating contempt of court proceedings against the violator. The third respondent board is directed to ensure that this direction is complied with in



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letter and spirit. Any aggrieved individual may bring any instance of violation to the notice of the Tamil Nadu Pollution Control Board in the first instance before moving this Court.

E) The Sewage Treatment Plant shall be kept operational and upgraded. The third respondent must conduct periodical inspection and certify that the output does not pose any kind of health hazard. The District Administration as well as the local body must implement an action plan as expeditiously as possible so as to utilise the treated water for irrigation or any other purpose.

F) The water bodies in Virudhunagar District should be kept free of any kind of pollution.”

4. In the present case, allegations have not been made against private operators. General allegations have been made against the residents. The case of the petitioner is that sewage and drainage is being let out into a irrigation channel. In his representation dated 16.03.2016, the petitioner had spelt out the details and particulars showing as to how polluting activities are taking place. It makes a sad reading. In fact, the respondents have not seriously denied the said allegations. We, therefore, dispose of this writ petition by directing the respondents to ensure that untreated sewage is not let out in Krishnankoil canal by the residents. It is for the local body and the District Administration to evolve an appropriate mechanism. We grant twelve



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months time from the date of receipt of copy of this order to the respondents to put in place proper system in this regard. No costs. Connected miscellaneous petition is closed.

(G.R.S,J.) & (B.P, J.)

11.03.2024

Index : Yes / No
Internet : Yes/ No
SKM

To:

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