



WP(MD)No.95 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.95 of 2016

K.J.Saravanan

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District.
- 2.The Commissioner,
Virudhunagar Municipality,
Virudhunagar.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Virudhunagar District.
- 4.J.J.Septic Tank Cleaning,
108/7, Dhanush Shopping Complex,
Madurai Bye Pass Road Corner,
Virudhunagar.
- 5.Bharath Septic Tank Cleaning,
Madurai Main Road,
Virudhunagar.
- 6.Om Sakthi Septic Tank Cleaning,
Ramamurthy Road,
Virudhunagar.



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7.The Executive Engineer,
Tamil Nadu Water Supplies
and Drainage Board,
Virudhunagar.

(R7 is impleaded vide order dated
11.04.2023)

8.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Chennai.

... Respondents

(R8 suo motu impleaded vide order
dated 11.04.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the second respondent to set up a Effluent Treatment Plant in Virudhunagar to collect the septic tank effluent and also to direct the respondents 1 to 3 to forbear the respondents 4 to 6 from discharging of the untreated Septic Tank Sewage in and around the River Koushika Mahanadhi.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.P.R.Prithviraj for R2

Mrs.Vijayakumari Natarajan for R3

Mr.K.K.Senthil for R4

No appearance for R5 and R6

Mr.K.Balasubramani,
Special Government Pleader for R7 and R8



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ORDER

Heard both sides.

2.The prayer in the writ petition is for forbearing the private respondents herein from discharging the untreated septic tank sewage in a manner affecting river Koushika Mahanadhi.

3.The Commissioner, Virudhunagar Municipality has claimed in her counter affidavit that the TWAD Board had constructed underground drainage system in 20 out of 30 wards and also the Sewage Treatment Plant. It is further claimed that the Sewage Treatment Plant is properly functioning and that underground drainage for the remaining wards is being constructed.

4.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 Virudhunagar. The case of the petitioner is that the situation in Virudhunagar is no different. The District Administration and the local body deny this allegation. At this stage, we do not want to enter into the merits of the claim made by the local body and the District Administration.



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5. Since no exception can be taken to the prayer made by the petitioner,

we allow this 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 with 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 all the operators of septic tank cleaners that the effluents will be discharged only at the notified points. The discharge 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 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.



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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.

No costs.

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

11.03.2024

Index : Yes / No
Internet : Yes/ No
SKM

To:

- 1.The District Collector, Virudhunagar District.
- 2.The Commissioner, Virudhunagar Municipality, Virudhunagar.
- 3.The District Environmental Engineer, Tamil Nadu Pollution Control Board, Virudhunagar District.
- 4.The Executive Engineer, Tamil Nadu Water Supplies and Drainage Board, Virudhunagar.
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AND
B.PUGALENDHI, J.**

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