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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.2361 of 2025
and
W.M.P.No.2680 of 2025

B.Veera Naga Jansy

.. Petitioner

Vs.

1.The District Collector,
Mayiladuthurai District,
Mayiladuthurai – 609 309.

2.The Additional District Collector,
District Rural Development Agency,
Mayiladuthurai District – 609 001.

3.The Assistant Director (Panchayat),
Mayiladuthurai District,
Mayiladuthurai – 609 001.

4.The Deputy Block Development Officer (Panchayat),
Sembanar Koil Panchayat Union,
Mayiladuthurai District – 609 309.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamas, calling for the records pertaining to the impugned order passed by the 4th respondent herein in



Na.Ka.No.4513/2024/A1 dated 12.12.2024 and to quash the same and consequently, direct the respondents not to prevent the petitioner's Tea stall under the name of “Aboorva Bakery and Tea Stall” in the Parasalur Main Road, Sembanar Koil, Tharangampadi Taluk, Mayiladuthurai District – 609 309 from letting out the drainage water in the drainage canal meant for the same.

For Petitioner .. Ms.Manjula

For Respondents .. Mr.N.Naveen Kumar, Govt. Advocate.

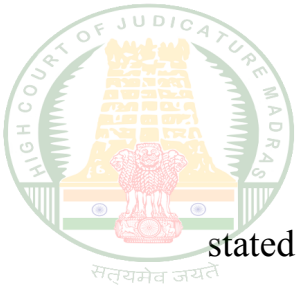
ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order of the 4th respondent, Deputy Block Development Officer (Panchayat) in Sembanar Koil Panchayat Union at Mayiladuthurai District, dated 12.12.2024 in Na.Ka.No.4513/2024/A1 and to quash the same and direct the respondents not to prevent the Tea stall of the petitioner under the name of 'Aboorva Bakery and Tea Stall' in Parasalur Main Road, Sembanar Koil, Tharangampadi Taluk, Mayiladuthurai District, from letting out the drainage water in the drainage canal meant for the same.



2. In the affidavit filed in support of the writ petition, the petitioner, proprietor of 'Aboorva Bakery and Tea Stall' doing business at Parasalur Main Road, Sembanar Koil, Tharangampadi Taluk, Mayiladuthurai District, had stated that she had been running the aforementioned Tea stall after obtaining FSSAI License on 29.11.2024 for the past three years. It is stated that there is a sewerage canal down the road for discharging waste water. It is stated that through the said canal all the shops in the main road are discharging waste water. It is stated that drainage of waste water is a primary process of operation including water used for tea preparation and water used for cleaning and for other essential activities within the bakery and the tea stall. It is stated that the waste water is expelled from the shop of the canal and the canal is blocked and the waste water stagnates in front of the shop. Further, during rainy season, the waste water is added with the rain water and there is further stagnation, which causes mosquito incubation in front of the shop.

3. It had been stated that the petitioner had sent a representation on 27.08.2024 to the Block Development Officer and to the 4th respondent, seeking to instal measures to remove the blockages. It had been further



stated that the Panchayat Secretary came to the shop and instructed the petitioner not to dispose the waste water into the canal. It was stated that the canal is only for rain water and not for waste water. Thereafter, the petitioner had been collecting the waste water and letting the same into the sewerage canal in the outskirts of the village.

4.The petitioner then sent a representation to the 3rd respondent to remove the blockages obstructing the discharge of waste water from the shop. A representation had also been given to the 1st respondent. Thereafter, the 4th respondent had issued proceedings on 06.11.2024 informing that the blockages had been cleared from the path in front of the shop. It had been contended by the petitioner that therefore, the 4th respondent had given the approval for discharging of waste water from the shop of the petitioner to the canal.

5.It had also been stated that the 3rd respondent had issued proceedings on 11.11.2024 directing the 4th respondent to investigate the specified area along with the Panchayat Secretary and the Deputy Zonal Block Development Officer, Sembanar Koil to verify whether human waste



is let into the canal and to make arrangements to get necessary explanation in this regard from the residents of the area and to file a report. It was also directed that action should be taken against the people who let human waste into the canal and fine them. It is stated that the 4th respondent had passed an order on 13.11.2024 permitting the 18 shops functioning in the main road at Sembanar Koil to let waste water and rain water into the canal in front of their shops and prohibiting them not to let any human waste and other harmful waste into the canal.

6.The petitioner stated that subsequently on 12.12.2024, the impugned order came to be passed, wherein, the petitioner had been prohibited along with the 17 other shop owners from letting the waste water into the canal in front of their shops. It had therefore been stated that this order should be interfered with by this Court since notice had not been either issued to the petitioner or to the 17 other shop owners.

7.Heard the learned counsel for the petitioner.



WEB COPY 8. Even at the outset, it must be stated that the petitioner can canvas his case alone and not of all the 17 other shop owners. This is a writ petition filed surreptitiously on behalf of all the 18 shop owners, who have now letting waste water into the canal in front of their shop in a canal which is meant for rain water purpose. Even otherwise, it had been suppressed from the affidavit that in the impugned order, the 4th respondent had directed that the petitioner must set up a tank which would draw the waste water. It is only a safety equipment which had been directed to be installed by the petitioner.

9. The petitioner has a choice. The petitioner may comply with those directions and ensure that the petitioner is not responsible for causing pollution or contaminating the rain water by discharging waste water into the canal meant for rain water. The petitioner also has another choice namely, to close down the shop and do any other business. But the impugned order cannot be set aside by this Court. It is regulatory in nature. The 4th respondent has every right to regulate the manner in which the waste water has to be discharged.



WEB COPY 10. The learned counsel for the petitioner states that notice had not been given.

11. Notice need not be issued, in a case where the waste water is evident and visible to the naked eye, on its discharge from the shop to the outside of the shop. I find no reason to set aside the impugned order. The impugned order stands. The onus is on the petitioner to comply with the directions in the impugned order.

12. It is to be again reiterated that this Writ Petition is just a facade to enable all the 18 shop owners to get an order and this petitioner has come to Court on behalf of all of them. The quantity of waste water generated by 18 shops can never be visualized or even be imagined. It would be substantial in nature and the entire road would be contaminated and all the residents will find that the canal meant for rain water is contaminated by the waste water.



WEB COPY 13. With the above observations, this Writ Petition stands dismissed.

No costs. Consequently, connected Writ Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
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C.V.KARTHIKEYAN,J.

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