



WEB COPY



W.P.No. 19412 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-05-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

WP No. 19412 of 2025

and

WMP.No. 21667 of 2025

M. Shanmugam

...Petitioner

Versus

1. The District Collector
Coimbatore District Collector Office
7/1, State Bank Road, Gopalapuram
Coimbatore, Tamil Nadu-641 018.
2. The Principal Secretary,
Municipal Administration Department
of Water Resources Management
Secretariat, Chennai – 600 001.
3. The Director of Town Panchayat,
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028.



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4. The Assistant Director of Town Panchayat
3rd Floor, Collector Office Building
7/1, State Bank Road, Gopalapuram
Coimbatore, Tamil Nadu – 641 018.

5. The Executive Engineer
Town Panchayat Office
Ettimadai Post, Coimbatore,
Kandhe Gounder Chavady,
Tamil Nadu-641 112.

6. The President,
Town Panchayat Office
Ettimadai Post, Coimbatore,
Kandhe Gounder Chavady,
Tamil Nadu-641 112.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 5 & 6, their officers, and servants to restrain from entering the petitioner's patta land, comprised in Survey No. 162/2B1 measuring 0.17 acres and prevent the movement of JCB vehicles on the petitioner's land, which is not a public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District until the disposal of the case before the National Green Tribunal, Chennai.



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For Petitioner : Mr.R. Prabhakaran

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed by the petitioner, seeking a writ in the nature of Mandamus, directing the respondents 5 and 6, their officers, and servants to restrain from entering the petitioner's patta land comprised in Survey No.162/2B1 measuring to an extent of 0.17 acres and to prevent the movement of JCB vehicles into the petitioner's land which is not a public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District, until the disposal of the case before the National Green Tribunal, Chennai.

2. The petitioner has filed the present writ petition, objecting to the setting up of the proposed construction of a 6 SHPC-Dry Waste Proposal Project vide Report T.S.324/23-24 and T.S.No.325/23-24 issued by the 5th respondent, dated 13.03.2024, in respect of the Solid Waste Resource



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Recovery Shed (2.00 MT) and associated infrastructure, such as a window pad with roofing (2.5 MT), at the Resource Recovery Park in Ettimadai Town Panchayat, Coimbatore.

3. It is the case of the petitioner that the project is planned on the land comprised in S.No.162/2A, which is classified as a water body (Neer Odai/Tharisu). The grievance of the petitioner is that his agricultural land in Survey No.162/2B1 adjoins the proposed project site and that the construction activities have already led to unauthorised entry upon his property, resulting in damage to the crops and infrastructure, including a culvert built by him. Despite his repeated objections and formal representations submitted by the local farmers and associations, the project has been proceeded without following any legal procedures, and till date, no steps have been taken by the competent authority concerned despite the representations. Hence this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

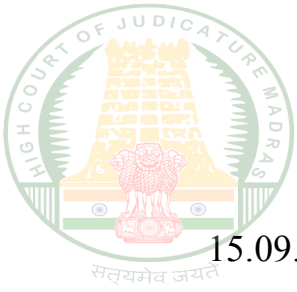


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5. The learned Counsel for the petitioner would submit that the land upon which the project is going to be implemented is, *Neer odai/ Tharisu*, and there are old age home and children home situated near to the project site. The petitioner is more concerned about the environmental disruptions and the well-being of the residents in the locality. According to the petitioner, in the guise of the implementation of a project, the officers and servants of the Ettimadai Town Panchayat have been causing interference with the peaceful possession and enjoyment of the petitioner of his agricultural land by entering into his land.

6. Mr.T.K. Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 6, on instructions from the 1st respondent – District Collector, would submit that the project land was originally classified as 'Tharisu land' and acceding to the request made by the local body concerned, the land was allotted to implement the project. The work on the project has already been started and it is in halfway. The learned Additional Government Pleader has also produced a photostat copy of the proceedings of the 1st respondent in Na.Ka.No.947/2022/Aa3, dated



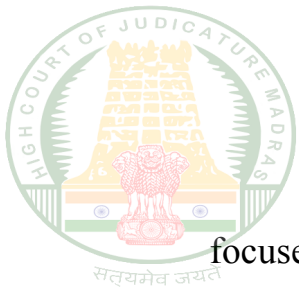
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15.09.2023 and stated that the land upon which the solid waste resource recovery project was intended to be set up was originally classified as "tharisu land".

7. The learned Additional Government Pleader would further submit that the project land is situated 2 km away from the residential area and no objections were received from any of the public till date and that the petitioner, who owns agricultural land near to the project land, had an apprehension that if the project is commenced, the market value of his land will get diminished. The petitioner wants to stall the public project as if his possession is being interfered with and has come forward with the present writ petition with ulterior motive and there would be no public interest is involved.

8. I have considered the rival submissions carefully.

9. The land on which the Solid Waste Resource Recovery Project is intended to be established, is said to be "Tharisu land". The project mainly

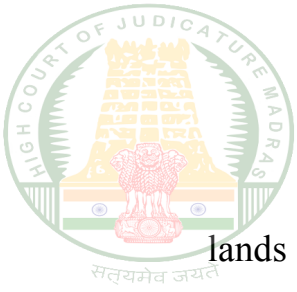


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focuses on minimising waste disposal in landfills by recovering usable materials and energy from solid waste. The project would only improve the public health and maintain a cleaner area with better sanitation.

10. On a careful perusal of the available records, particularly a photocopy of the report submitted by the local body before the National Green Tribunal, Southern Zone, Chennai, this Court is of the view that the land where the project is intended to be established, is situated 2 km away from the residential zone. The petitioner who owns agricultural land near the project land projects as if the project will have an impact on the environmental condition in the vicinity and the inmates of the old age home and the children home would get physically affected, as the segregation and disposal of solid waste at the site would create water and land pollution besides air pollution if the project is implemented.

11. The main grievance of the petitioner, as seen from the affidavit, is that his agricultural lands are being spoiled by the officers and servants of the local body in the guise of the construction activities by entering into his



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lands and thereby causing interference with his peaceful possession and enjoyment of the land situated near to the project land.

12. No doubt, the project is only for the benefit of the public in the locality and the construction work for establishment of solid waste resource recovery has already been commenced and going to be completed and moreover, there are no objections from the public, except the representations of the petitioner, this Court finds no justification in the claim of the petitioner. The petitioner is unable to demonstrate before this Court in what way his possession was interfered with by the officers or servants of the local body concerned with specific instances and the extent of damages that were and are being caused to his agricultural land. The petitioner under the guise of raising a public health concern is, in fact, attempting to ventilate his personal grievance against the solid waste resource recovery project. If at all any interference is caused, it is needless to state that he can very well approach the civil Court having jurisdiction and seek appropriate relief in the manner known to law.



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13. In the light of the above discussion, this Court is of the view that the petitioner is not entitled to any relief and the writ petition is liable only to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMP is closed.

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