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W.P.Nos.20402 and 19014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.Nos.20402 and 19014 of 2025
and W.M.P.Nos.23003 and 21294 of 2025

W.P.No.20402 of 2025:

M.Murugesan
S/o. Muthaiyah,
No.87, Karupanna Layout, Peelamedu,
Coimbatore South, Coimbatore-641 004.

Petitioner

Vs

- 1.The Commissioner
Coimbatore Municipal Corporation,
Coimbatore.
- 2.The Collector
The Collectorate,
State Bank Road,
Gopalapuram, Coimbatore.
- 3.The Assistant Planning Officer
North Division,
Coimbatore Corporation,
Coimbatore.



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4.The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board,
216, Thadagam Road,
Opp To GCT College,
Coimbatore -641 013.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 1st respondent from making any alterations to the 3.01 Acres of land in S.F.No.302/2 comprised in Vilankurichi Village, Coimbatore North Division and consequently restore the land to be used as a burial ground in its locality.

For Petitioner: Mr.A. Maheshnath

For Respondents: Mr.N. Velmurugan
Standing Counsel
for respondent Nos.1 and 3

Mr.K.Karthik Jagannath
Government Advocate
for respondent No.2

Mr.V.Gunasekar
Standing Counsel
for respondent No.4



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W.P.No.19014 of 2025:

Narayanasamy
S/o Appasamy
No 16A, Kallimedu Street,
Peelamedu, Coimbatore South
Coimbatore 641 004

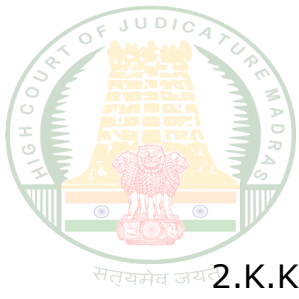
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Vs

- 1.The Commissioner
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Coimbatore
- 4.The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board,
216 Thadagam Road
Opp to GCT College,
Coimbatore 641 013

Respondents

- 1.M.Murugesan
S/o.Muthaiah
No.87, Karuppanna Layout,
Peelamedu
Coimbatore South, Coimbatore.



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2.K.K.Sivadasan

S/o.Kittu

Authorised representative of
Cape Neem Land Welfare Association
Vilankurichi Road, Peelamedu
Coimbatore-641 004

3.N.Anitha Devi

W/o.Janarthanan

No.143, 3rd Main Road,
Peelamedu, Sengaliappa Nagar,
Coimbatore South
Coimbatore-641 004

(Intervenors 1 to 3 added vide order
dated 8.8.2025 made in
WMP Nos.23356, 23357 and 23359 of 2025)

Intervenors

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus forbearing the 1st respondent from constructing the Garbage Transfer Station and any other allied process on the land that constitute a portion of the Samarpan Crematorium and Burial Ground situated at No.34-35, Gandhi Manager Road, Gauthamapuri Nagar, Peelamedu, Coimbatore.

For Petitioner:

Mr.A.Parthasarathy

For Respondents:

Ms.R.Preethika
Standing Counsel
for respondent Nos.1 and 3



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Mr.K.Karthik Jagannath
Government Advocate
for respondent No.2

R4 – No appearance

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. We find that the Public Interest Litigation (W.P.No.20402 of 2025) is against identifying of an open land on the side of the burial ground and the crematorium.

Though, this Court had directed the respondents in W.P.No.20402 of 2025 to come with a response, learned counsel appearing for the Coimbatore Corporation placed certain photographs before us. We also find that there is already an area where one garbage transfer station has been established and operating.

It appears that garbage is piling up fast and the removal of the same from the transfer station to the composting centre is slow.



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3. W.P.No.19014 of 2025 is filed by the petitioner raising a ground with regard to the proposed location of second transfer station nearby/adjacent to the burial ground and the crematorium.

The submission of learned counsel for the petitioner in W.P.No.19014 of 2025 is that the authorities of Coimbatore Corporation, in order to dump garbage, have located an area, which was being used as burial ground. It is submitted that use of the land lying by the side of burial ground for the purposes of erecting transfer station is against the public interest, as it is diminishing the area of burial ground. It is also submitted that the Corporation has already developed one transfer station and there is no need of having second transfer station.

The submission of learned counsel for the petitioner is that the area in Survey No.302/2A is otherwise a pond, but somehow it was being used for burial ground.

4. Learned counsel for the petitioner in W.P.No.20402 of 2025 also supports the submission made by learned counsel for the petitioner in W.P.No.19014 of 2025 and would add that if there is

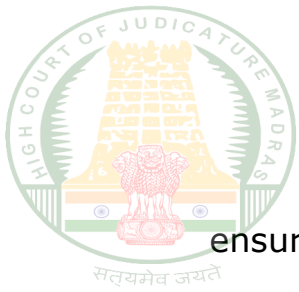


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any difficulty in lifting the garbage from the existing transfer station, appropriate remedy ought to be taken by directing the contractor to speed up lifting of the garbage from the transfer station rather than opening another transfer station.

5. One of the submissions made by learned counsel for the petitioner in W.P.No.20402 of 2025 is that the Manual containing the guidelines issued by the Ministry of Urban Development, Government of India also indicates that waste may be transferred to the transfer station, if the processing site is located at least 15 Kms. away from the city. Since the location of the processing site is less than 15 Kms., there should not be any transfer station located within the city.

6. On the other hand, learned counsel appearing for the Corporation, referring to the counter-affidavit filed in W.P.No.19014 of 2025, would submit that it is within public interest to ensure that the garbage which is collected from the city is taken to the processing site without affecting the health of the public and also by



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ensuring that the garbage is not allowed to be scattered here and there. Therefore, the respondent Corporation had to establish transfer stations. It is also submitted that the existing transfer station is unable to fulfill the need of storage of huge garbage, which is being generated in the city every day. Therefore, the authorities decided to establish another garbage transfer station.

It is further submitted that establishment of second transfer station is extremely necessary and, therefore, the authorities have taken a decision to establish the transfer station in between the burial ground and the crematorium, which is small area. It is further submitted that if the garbage transfer station is not allowed to be located at the proposed site, it may lead to serious health hazards and in the absence of there being adequate space available for stacking and piling of garbage before it is transported to the processing site, it may create serious health issues.

7. We find that the present petitions filed by the two petitioners raise an issue of public interest as against another public interest.



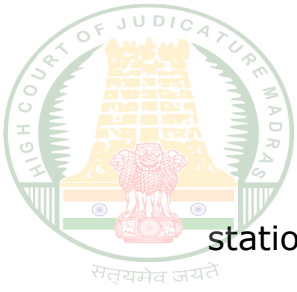
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8. No doubt, the land which is presently earmarked for erecting the second transfer station was earlier used for burial purpose. However, the present need of proper management of garbage, if not more, is equally important.

9. The submission of learned counsels for the petitioners that it is otherwise recorded as waterbody, need not be gone into because, even according to the petitioners, this land is lying without there being any actual waterbody on it, as is evident from the averments in the affidavit that the area was reduced as a dry pond and later on converted as burial ground sometimes in the year 1950 and the same since stands classified as "Sarkar Poramboke".

10. Be that as it may, the fact remains that no pond exists since long. None of these petitioners raised any issue earlier that this land should not be allowed to be reserved as burial ground. It is only when part of the burial ground (not the entire area) is proposed to be used for the purposes of erecting another transfer



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station that the petitioners have filed these petitions.

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11. In these circumstances and looking into the necessity of having adequate space for dumping, stacking and transportation of garbage to the processing site, we are not inclined to interfere with the action of the respondent Corporation.

12. We, however, direct that the existing area which is being used shall not be allowed to be expanded on either side and will not affect the existing burial area or crematorium.

13. The Coimbatore Corporation shall also explore whether under the existing contract or under the ensuing contract arrangement for transportation, lifting of more and more garbage from the transfer station is made. A serious exercise in this regard shall be undertaken by the Corporation. In that eventuality, the Corporation may also consider whether it would be necessary to continue with the second garbage transfer station in future or not. We leave this entirely in the hands of the Corporation.



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WEB COPY 14. Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15. Before parting with the case, taking cognizance of the current situation, as reflected from various petitions which are being filed before this Court, we would expect the State to undertake a study with regard to increasing requirements of transfer stations in the city area and capacity of processing sites. Appropriate guidelines may also be issued with regard to the location of the transfer stations within the city area in order to avoid objections from the public as far as location of transfer station is concerned. Based on the study, the State may also consider appropriate futuristic plan to deal with the challenges relating to collection, temporary transfer sites development, processing of garbage in the processing plant in order to ensure that number of transfer stations within the city area is contained and as less as possible.

16. A copy of this order be sent to the Secretary to



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Government, Municipal Administration and Water Supply

Department, Government of Tamil Nadu, Fort St. George, Chennai-

600 009.

(MANINDRA MOHAN SHRIVASTAVA, CJ)

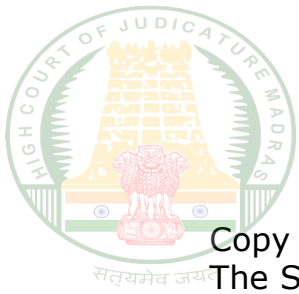
(SUNDER MOHAN,J)

19.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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Copy to:

The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai-600 009.

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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

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