



WP No.27527 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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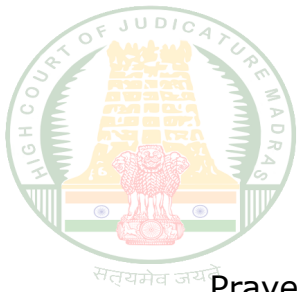
1.N.Baskaran
2.V.Balakrishnan
3.M.Srinivasan

: Petitioners

versus

- 1.The Principal Secretary to Government
Revenue Department, Secretariat,
Fort St. George, Chennai-600 09.
- 2.The Principal Secretary to Government
Rural and Urban Development Department,
Secretariat,
Fort St. George, Chennai-600 09.
- 3.The District Collector
Chengalpattu District,
Chengalpattu.
- 4.The Tahsildar
Tambaram Taluk,
Tambaram, Chennai- 600 045.
- 5.The Commissioner
Corporation Of Tambaram,
Tambaram, Chennai.

: Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to remove the Micro - Composting Centre construction (MCC) from the S.No.6 Pond (Water Body), Chitlapakkam, Tambaram Corporation, Chennai, by passing orders on the representation dated 18.07.2023.

For Petitioners : Ms.S.Sivaranjani,
for Mr.G.Justin

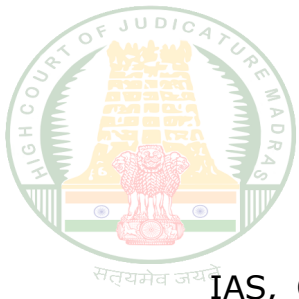
For Respondents : Mr.A.Edwin Prabhakar,
State Government Pleader
assisted by Mr.Karthik Jagannath,
Government Advocate,
for respondents 1 to 4

Mr.P.Srinivas,
for respondent No.5

ORDER

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

On the last date of hearing, taking into consideration the statement made by the learned counsel for the petitioners that despite there being an undertaking given by the fifth respondent before this Court, on 02.01.2024, that construction was stopped, but it was otherwise continued and completed, this Court directed the concerned officer to remain present in the Court. Accordingly, Mr.S.Balachander,



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IAS, Commissioner, Corporation of Tambaram, is present before the Court today.

2. The Commissioner states that he took charge only on 19.07.2024 i.e. after the date of the alleged completion of Micro Composting Centre, (for short, 'the MCC'). We find that on 02.01.2024, a statement made by the learned counsel for the fifth respondent that the construction activity on the subject property has been stopped, was recorded by this Court.

3. Thereafter, a counter came to be filed on 27.03.2024 wherein it was stated that the construction work of MCC at Balaji Avenue (*Mayanam*) was carried out in the year 2023 under the Central Government funded scheme and a structure was raised. It has been stated therein that the work commenced on 27.07.2023 and it was completed by the contractor on 12.12.2023. Since then, MCC is used for producing manure from green wastes i.e. vegetables and fruits discarded by people of wards in 33, 43 and 44.



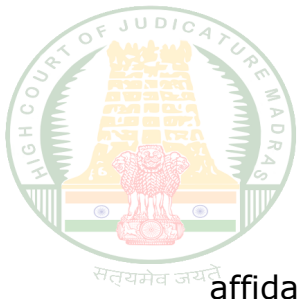
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4. Today, it has been submitted by the learned counsel for the respondents that what was stated on 02.01.2024 stood clarified by a subsequent affidavit filed in the month of March, 2024 itself, to which, no reply or rejoinder has been filed by the petitioners so far. Learned counsel for the fifth respondent attempted to clarify that the statement which was recorded on the earlier date sought to convey completion of the work.

5. We find that the statement which was recorded by the Court was, what was stated before the Court, and the fifth respondent cannot be allowed to dispute the same. On 02.01.2024, a clear statement was made and based on that, it was recorded that the work has been stopped.

6. However, as to whether the work was completed or still left to be completed, will have to be decided on the basis of what was stated in paragraph 8 of the affidavit dated 27.03.2024. Since the petitioners have not controverted the statement made therein by filing any rejoinder affidavit, we have to conclude that the work commenced on 27.07.2023 and concluded on 12.12.2023. Not only that, in the said



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affidavit, it has been stated that MCC is used for producing manure from green wastes. Keeping that statement as un-controverted, we are not inclined to proceed further on the basis that after the order was passed by the Court, further construction was made and it eventually came to be concluded in the month of June, 2024, as has been alleged by the petitioners. As a matter of fact, that was a statement made before the Court which was recorded by us. Therefore, even accepting that statement that construction was made on 02.01.2024, we are unable to accept the submission of learned counsel for the petitioners that thereafter, construction activity continued and the same was completed during June, 2024, as that would be against the statement made in paragraph 8 of the affidavit dated 27.03.2024.

7. We have finally heard the matter with the consent of the parties.

8. The instant petition has been filed by the petitioners styled as a 'public interest litigation' raising a grievance that the respondents have identified the present location in a government land, location of which was earlier recorded as '*Pappan kulam*' (pond), a waterbody, in



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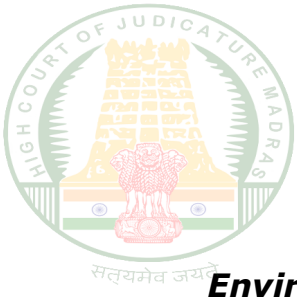
the revenue records.

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9. According to the learned counsel for the petitioners, as the area was recorded as a waterbody since long, it could not be allowed to be used for any other purpose. In fact, the respondents are under public obligation to restore the waterbody to its original status rather than allowing it to be used for other purposes.

10. The other submission of learned counsel for the petitioners is that identification of the disputed location for the purpose of construction of MCC is otherwise in violation of the Government Order dated 07.01.2020 which, amongst other things, also states that establishment of MCC should be away from waterbodies. Further submission is that the present MCC has been constructed on a land which is very near to Sembakkam lake and therefore, on that count also, there is a serious violation of guidelines in the matter of construction of MCC.

11. Reliance has been placed on the decision of the Hon'ble Supreme Court in the case of ***Jitendra Singh vs. Ministry of***

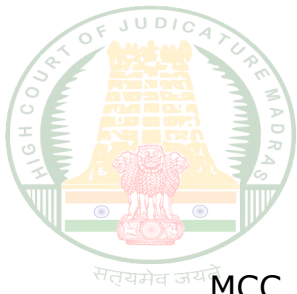


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Environment and others, (Civil Appeal No.5109 of 2019, dated 25.11.2019) to submit that waterbodies are required to be protected, and could not be allowed to be used for any other purpose. In the said case, allotment of waterbodies for industrial development has been held to be illegal and impermissible.

12. On the other hand, Mr.Edwin Prabhakar, learned State Government Pleader, would submit that though in the past, the land was recorded as a waterbody, for the last 50 years, there does not exist any waterbody, but the land is otherwise being used for various public purposes like cremation ground, public toilet complex etc. The petitioners never objected to the operation of cremation ground or public toilet complex; but when a small open land lying in between them was proposed to be used for construction of MCC, the petitioners have filed this petition. Therefore, it is argued that the petitioners lack *bona fide* and they are selectively challenging the establishment of an extremely important and necessary structure like MCC, which is required to be established to treat the garbage generated in the locality. He would further submit that in the petition, there are no clear averments with regard to the distance between Sembakkam lake and



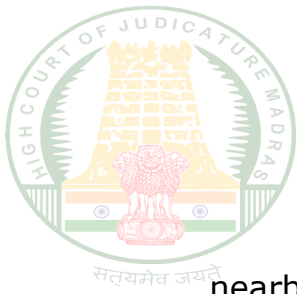
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MCC, and during the course of arguments, only with the help of certain photographs, this statement is being made. He would submit that even if the photographs are taken as it is, it cannot be said that the location of MCC is so near to the lake that it is going to otherwise affect the water or underground water around the lake.

13. From the materials on record, we find that the land on which MCC has now been constructed, was recorded earlier as a pond. However, an emphatic statement has been made by the respondents in the reply, which has not been disputed by the petitioners, that the area is being used for the purpose of cremation ground and public toilet complex since long, and this position has been continuing for the last 50 years. Moreover, we find that the petitioners never objected to the same. It is only when a small portion of the vacant land lying therein was sought to be used as MCC, that this public interest litigation has been filed.

14. As regards the proximity of MCC with the lake is concerned, there are no specific averment made in the petition in this regard. All that has been said is that the establishment of MMC will pollute the



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nearby Sembakkam lake water and the underground water in S.No.6 Pond (waterbody). Pictorial representation, as placed before us, does not show that the location of MCC is on the brink of the lake. There is a water channel taken out from the lake for the purpose of facilitating agriculture in the area and that agricultural area is separated by a compound wall. On the other side of the compound wall, there is cremation ground and public toilet complex established. On one side of it, a small area is sought to be used for the purpose of constructing MCC. Therefore, we are unable to accept the submission of the learned counsel for the petitioners that there is a serious violation of the Government Order dated 07.01.2020.

15. The need of having a micro composting centre cannot be disputed. The reply affidavit of the respondents shows that the garbage created in the area is required to be properly treated through waste treatment plant and therefore, it is necessary to have MCC.

16. Reliance placed on ***Jitendra Singh (supra)*** is misconceived on facts. That was a case where, on facts, it was found that the existing waterbodies were handed over for industrial development. In



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the present case, it is found that the land on which MMC has been constructed, forms part of the land which was being used as cremation ground since many decades.

17. In that view of the matter, we are not inclined to issue any mandamus, as sought for by the petitioners. The petition stands dismissed. There will be no order as to costs. Consequently, WMP Nos.26967 of 2023 and 15968 of 2025 are closed.

18. WMP No.26966 of 2023 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (SUNDER MOHAN, J.)
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Index : Yes/No
Neutral Citation : Yes/No
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