



W.P.No.129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.129 of 2025

Mr.M.Murugaiyan

...Petitioner

-Vs-

1.The Tahsildar,
Marakkanam Taluk & Municipality,
Tahsildar Office, Villupuram District,
Tamil Nadu – 604 303.

2.The President,
Marakkanam, Town Panchayat,
Villupuram District – 604 303.

3.The Executive Officer,
Marakkanam Town Panchayat,
Villupuram District – 604 303.

...Respondents

****R-2 & R-3 are cause title amended as per order
dated 28.02.2025 in W.M.P.No.7924 of 2025 in
W.P.No.129 of 2025**

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the 2nd respondent to dispose of the representation dated 18.11.2024 regarding diversion of the sewage canal which is flowing adjacent to the petitioner's agricultural land and pass such further orders.



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W.P.No.129 of 2025

For Petitioner : M/s.R.Abirami
For R1 : Mr.S.J.Mohamed Sathik,
Government Advocate
For R2 & R3 : Mr.M.S.Prem Kumar,
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the 2nd respondent to dispose of the representation dated 18.11.2024 regarding diversion of the sewage canal which is flowing adjacent to the petitioner's agricultural land.

2. The petitioner, a physically handicapped farmer from Mandavai village, owns Nanjai land in Marakkanam Municipality through a registered sale deed (Doc.No.26/1993). His sole livelihood depends on cultivating crops on this land. Since purchasing the land, untreated sewage water from Mandavai village and the Municipality has been flowing through the land via a cement canal, leading to soil erosion, water contamination, and crop damage, affecting his health, livelihood, and environment. The sewage flow also prevents him from constructing a house for his family. To resolve this, the petitioner submitted a representation on 18.11.2024 to the 2nd and 3rd respondents, requesting the diversion of the sewage canal. Despite multiple



W.P.No.129 of 2025

reminders, no action was taken. Hence, the writ petition is filed.

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3. Learned counsel appearing for the petitioner submits that the continuous flow of untreated sewage through his agricultural land has severely impacted his livelihood, health, and environment. The contaminated water causes soil erosion, water contamination, crop damage, and pollution, making the land unfit for cultivation, which is his sole source of income. Furthermore, he submits that the sewage flow prevents him from constructing a house for his family, depriving him of his right to shelter. Despite submitting a representation on 18.11.2024 and issuing multiple reminders, the respondents have failed to take action, violating his fundamental rights under Articles 21 and 226 of the Constitution.

4. A counter affidavit was filed on behalf of respondents 2 and 3 in March 2025.

5. Learned Government Advocate appearing for R2 and R3 submits that according to the Solid Waste Management Rules 2016, the public residing at the above said area are instructed that they are only responsible for managing their own waste and sewage water/soak pit water. It has been strictly instructed and informed to the public and residents that as per the



W.P.No.129 of 2025

Solid Waste Management Rules 2016, if any resident is identified for violating the instruction, they will be charged fine and necessary actions will be carried out under the Solid Waste Management Rules 2016. And also the above stormwater drainage is dry at present; it will be used only during rainy season.

6. Heard both sides and perused the materials available on record.

In view of the above submission, the **writ petition stands disposed of with the above observations.** No costs. Consequently, connected miscellaneous petition is closed.

21.03.2025

cda

Index : Yes

Speaking / Non-Speaking Order



W.P.No.129 of 2025

WEB COPY

To

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J.SATHYA NARAYANA PRASAD.J

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WEB COPY



W.P.No.129 of 2025

W.P.No.129 of 2025

21.03.2025