

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

WP No.11199 of 2018

R.GOWRISANGAR,

[PETITIONER]

Vs

1 THE TAMIL NADU POLLUTION [RESPONDENTS]
CONTROL BOARD, PSK TOWER, 2ND FLOOR, SALEM
MAIN ROAD, NAMAKKAL-637 001.

2 THE COMMISSIONER,
TIRUCHENGODE MUNICIPALITY, TIRUCHENGODE ,
NAMAKKAL DISTRICT.

3 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTORATE,
NAMAKKAL DISTRICT.

4 THE INSPECTOR OF POLICE,
THIRUCHENGODE POLICE STATION, THIRUCHENGODE,
NAMAKKAL DISTRICT.

Writ petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed their with the High Court will pleased to

issue a writ of mandamus or any other appropriate writ, orders (or) direction in the nature of a writ, a direction, to Directing the 1st and 2nd respondents to stop Dumping Garbage or any other manner waste materials in "Sullikadu" in S.F.No.71/2 and S.F.No.72 of Animoor Village, Tiruchengode Taluk, Namakkal District and further immediately remove the wastage things in above on grounds of creating lots of health problem and direct the respondent comply with to mandatory condition in clearance certificate dated 23.04.2003 issued by 1st respondent and pass in WP No.11199 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.C.GIRISHBABU, Advocate for the petitioner and of Mrs.RITA CHANDRASEKAR, Advocate FOR 1st Respondent and of Mr.P.SRINIVAS, Advocate for 2nd Respondent and of MR.S.SURESH KUMAR, GOVERNMENT ADVOCATE on behalf of the 3rd & 4th Respondents the court made the following order:-

This writ petition has been filed for a Mandamus to direct the 1st and 2nd respondents to stop dumping garbage or waste materials in "Sullikadu" in S.F.No.7/1 and S.F.No.72 of Arimoor Village, Tiruchengode Taluk, Namakkal District.

2. The main grievance of the petitioner is that the 2nd respondent, without complying with the conditions imposed by the Tamilnadu Pollution Control Board by their letter No.F.NTG-500/AE (T)/DEE/NMK/MSM/2003 dated 23.04.2003, are dumping the waste materials in the site in S.F.No.7/1 and S.F.No.72 of Arimoor Village, Tiruchengode Taluk, Namakkal District.

2. The said contention of the petitioner was denied by the learned Government Advocate stating that they are complying with the order passed by the Tamilnadu Pollution Control Board and the 2nd respondent is using the site, S.F.No.7/1 and S.F.No.72 of Arimoor Village, Tiruchengode Taluk, Namakkal District, as the compost yard.

3. As there are two different version made by the learned counsel for the petitioner and the learned Government Advocate, we are of the opinion that it would be appropriate to direct the first respondent to inspect the concerned site viz., S.F.No.7/1 and S.F.No.72 of Arimoor Village, Tiruchengode Taluk, Namakkal District and report before this Court, so that this Court can have effective adjudication of the matter. Accordingly, the first respondent is directed to inspect the concerned site, viz., S.F.No.7/1 and S.F.No.72 of Arimoor Village, Tiruchengode Taluk, Namakkal District and file a status report on 20.06.2018. In the mean time, the other respondents are directed to file their respective counters.

Post the matter on 20.06.2018.

-sd/-
06/06/2018
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE TAMIL NADU POLLUTION
CONTROL BOARD, PSK TOWER, 2ND FLOOR, SALEM
MAIN ROAD, NAMAKKAL-637 001.

2 THE COMMISSIONER,
TIRUCHENGODE MUNICIPALITY, TIRUCHENGODE ,
NAMAKKAL DISTRICT.

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NAMAKKAL DISTRICT.

+2 C.C. to M/S.C.GIRISHBABU Advocate SR.No.6354

The Government Advocate, High Court, Madras - 104.

Order

in
WP.11199/2018

Date :06/06/2018

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