



Writ Petition No.37078 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.37078 of 2025
and W.M.P.Nos.41490 & 41492 of 2025

M.Thangavel

...Petitioner

Vs.

- 1.The State of Tamilnadu rep.by
its Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai – 600 006.
- 2.The Managing Director,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.
- 3.The District Collector,
Namakkal District,
Namakkal – 637 003.
- 4.The Tiruchengode Municipality
Rep.by its Commissioner,
Tiruchengode – 637 211,
Namakkal District.



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5. The Executive Engineer,
Water Development Department,
Sarabanga Basin Division,
Salem – 636 007.

... Respondents

For Petitioner : M/s.M.Adhishree
for Mr.N.Manokaran

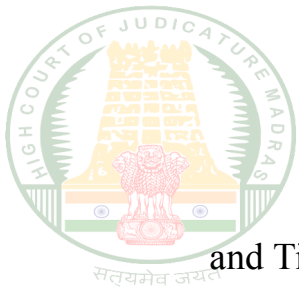
For Respondents : Dr.T.Seenivasan
Special Government Pleader
(For R1, R2 & R4)

Mr.L.S.M.Hasan Faizal,
Additional Government Pleader
(For R3 & R5)

ORDER

Heard Ms.M.Adhishree for Mr.N.Manokaran, learned counsel for the petitioner and Dr.T.Seenivasan, learned counsel for respondents 1, 2 & 4 and Mr.L.S.M.Hasan Faizal, learned Additional Government Pleader for respondents 3 & 5.

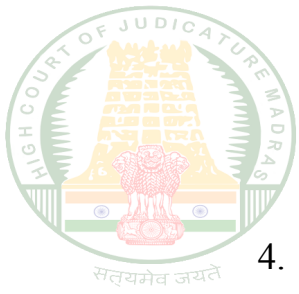
2. This is the second round of litigation over the establishment of a Sewage Treatment Plant (STP) in the Tiruchengode Municipality. The State of Tamil Nadu has approved construction of STPs in seven Municipalities in G.O.(Ms.) No.59 passed by the Municipal Administration and Water Supply (MA2) Department dated 15.03.2024,



and Tiruchengode is one amongst them. The proposal is to install an STP, which will have the capacity of 12.50 MLD. This project is being executed on the basis of the allocation of funds under the “Swachh Bharat Mission Urban 2.0”. Administrative sanction was granted on 15.03.2024. The Tiruchengode Municipality identified Survey No.129 for the purpose of establishing the STP, which commenced the first round of litigation. This establishment was challenged by way of a writ petition.

3. This Court, taking cognizance of the allegation that Survey No.129 of Tiruchengode Municipality is a water body and there being two contradictory reports, directed the District Collector, Namakkal District, to consider the reports filed by the Commissioner, Tiruchengode Municipality, cause of inspection and to file a report before this Court. The District Collector, constituted a team of officers namely:-

1. Executive Engineer, Regional Director of Municipal Administration.
2. Revenue Divisional officer, Tiruchengode.
3. District Environmental Engineer, Tamil Nadu Pollution Control Board(TNPCB), Kumarapalayam.



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4. Executive Engineer, Rural Development Agency, Namakkal.
5. Assistant Executive Engineer, Water Resources Department,
Sarabanga Zone, Rasipuram.
6. Municipal Commissioner, Tiruchengode.
7. Municipal Engineer, Thiruchengode and
8. Tahsildar, Tiruchengode Taluk,

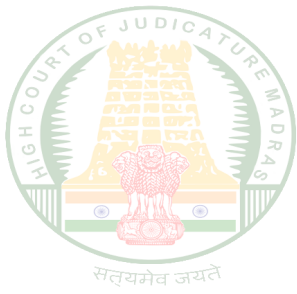
to inspect Survey No.129 of Tiruchengode Municipality and submit a report. The Committee so constituted conducted a survey of the site on 07.01.2025. The Committee submitted the following report:

“a) The team has reported that the land chosen for putting up sewage treatment plant has a natural gradient towards the stream near Kootapalli lake in the downstream.

b) The District Environmental Engineer, Tamilnadu Pollution Control Board, Kumarapalayam has reported that the TNPCB has framed sitting criteria for establishment of STPs as follows:-

i. The STP site should be at least 250 meters away from any lake or pond preferably in the downstream side of lake or pond so that the sewage shall not reach the water bodies.

ii. The STP site should be located more than at least 250 meters away from river or stream and shall



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ensure that the treated/untreated sewage should not reach the above water sources.

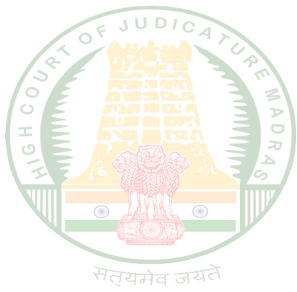
iii. The STP site should be located at least 500 meters away from a notified habitat area and zone of 100 meters around STP site boundary should be declared as no-development zone so that green belt can be developed in that area.

iv. The STP site should be at least 500 meters away from a public utility area such as park, temple, educational institution etc.,

v. The site of STP should be selected on dry lands and the treated sewage shall be utilized on land for irrigation.

vi. The local body shall also ensure that the land availability and consent from the land owners for the disposal of treated sewage, which should be mentioned at the time of application for NOC itself.

vii. In case of disposal of treated sewage into marine water bodies, the local body shall obtain CRZ clearance and this should be submitted along with NOC application.



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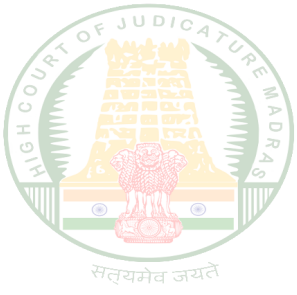
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viii. The local body shall obtain appropriate land use certificate from DTCP for STP site.

ix. The local body shall consider the treatment technology while selecting the site in respect of extent of land. Advanced treatment technology will require less footprint area in order to meet the inland surface water standards prescribed of the TNPCB.

x. A preliminary assessment of public/nearby residents opinion neighboring the location of STP site is essential.”

4. On the basis of the report, this Court came to a conclusion that Survey No.129 is unfit to be utilized for the purpose of establishing an STP. Recording the fact that this survey number cannot be put to use, the District Collector, directed the Municipal Commissioner, Tiruchengode, to identify a suitable alternate land, **which suits the norms of Tamil Nadu Pollution Control Board (TNPCB) for the proposed STP.** This Court accepted the directions of the District Collector and closed the writ petition, as no further action could be initiated by the Municipal Commissioner with respect to Survey No.129.

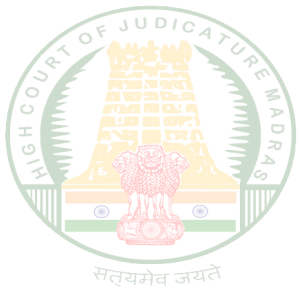


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5. The Municipal Commissioner has now proposed and identified Survey No.130 of Tiruchengode Town for the purpose of establishing the STP. Several organizations and individuals including the writ petitioner objected to the establishment of the STP in this location. They claimed it is contrary to the report of the Special Committee appointed by the District Collector, pursuant to the earlier orders of this Court. The objections were considered by the District Collector under the impugned order and rejected. Hence, the present writ petition.

6. It is the argument of Ms.Adhishree that the proposed Survey No.130 is unfit as per the report dated 07.01.2025 for the following reasons:

- 1) It is 15 metres from residential area
- 2) 11 metres from 'ஓடை'
- 3) 20 metres from 'ஏரி'
- 4) 30 metres from Kamatchi Amman Temple
- 5) 110 metres from a School
- 6) 95 metres from a Municipal Park

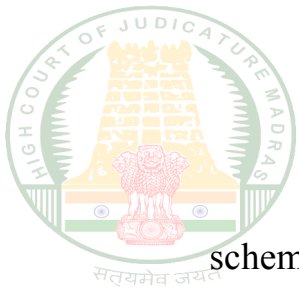


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- 7) 220 metres from a Mosque
- 8) 275 metres from a Shiva Temple
- 9) 220 metres from a Vinayagar Temple
- 10) 270 metres from a another Municipal Park.

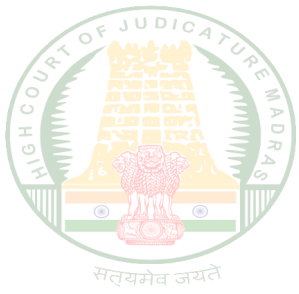
She pleads that if these distances are calculated as per the norms laid down by the inspection report dated 07.01.2025, Survey No.130 also would not be suitable for construction of an STP.

7. Per contra, Dr.T.Seenivasan, learned counsel appearing for the contesting respondents pleads that a Public Interest Litigation had earlier been presented by one Padmanaban, seeking for a Mandamus, to forbear the Tiruchengode Municipality from constructing the STP at Town Survey No.130/1, and that the First Court had dismissed the said writ petition, stating that there is no basis for the writ petition. His second submission is that while Survey No.129 has been given up, Survey No.130 has been identified as a suitable place, since it has a natural gradient for discharge of the waters treated in STP into a water course, which exists nearby. He thirdly contends that this is a project, which has been established pursuant to the Swachh Bharat Mission Urban 2.0.



scheme and being one of public interest, necessity demands that the project be completed before the funds lapse. His point is, if the funds lapse, it is the people, who are residing in Tiruchengode Municipality, who would suffer.

8. A perusal of the FMB Plan that has been produced indicates that Survey No.129 is adjacent to Survey No.130. Survey No.130 was originally a 'Natham land', and subsequently been sub-divided into several parts. 'Natham land', by the very nature means one to be used for residential purposes. Survey No.129 has been found to be unfit not only because it is a water course, but also on account of several factors that has been listed by the District Environmental Engineer. Therefore, the new area identified by the Commissioner ought to be one in accordance with the norms as directed by the District Collector. The norms as set forth above shows that the distance between the STP and a water course should be atleast 200 metres. If the assertion made by Ms.Adhishree is taken to be true, which I have to at this stage, the distance is hardly 11 to 20 metres. This not only falls in the teeth of TNPCB norms, but also of the earlier direction given by the District Collector on 31.01.2025.



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9. This Court cannot be insensitive to the submission that has been made by Dr.Seenivasan, that this is a project to be executed on a war footing considering the public interest involved. Therefore, there shall be a direction to the District Collector, Namakkal, to reconstitute the team as per her proceedings dated 06.01.2025. The team shall, yet again, cause a visit to Tiruchengode Town and find out if the establishment of the STP at Survey No.130/1 answers the norms that have been set forth in Paragraph No.6 of the counter affidavit filed by the District Collector and extracted supra.

10. Mr.L.S.M.Hasan Faizal, representing the District Collector, Namakkal, submitted that the inspection can happen any time between 06.10.2025 and 10.10.2025. The report shall be filed before this Court by 23.10.2025.

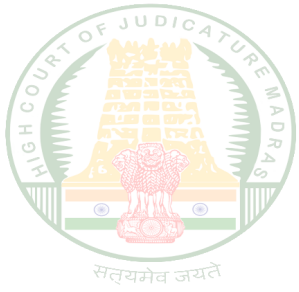
11. As persons are repeatedly approaching this Court, pleading one site or the other is unfit for development of the STP, the Committee shall also identify an appropriate place, if the present one is not suitable, which answers the norms laid down above, and indicate the same in a



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report, which is to be submitted. While doing so, the Committee may take inputs on the alternate locations from the writ petitioner or any other person, who proposes such an area. The area so suggested will also be inspected by the Committee, so as to ensure that the area, which is free from any objection is identified and the project be proceeded with.

12. Insofar as the order in the writ petition which Dr.Seenivasan places reliance upon, *prima facie*, I am of the view that it was a case of Mandamus and not one of Certiorari, as sought in the present writ petition. A judgment operates as a binding precedent, only if it decides the very issue, which the subsequent case is called upon to address. Judicial discipline requires that this Court should adhere to such a precedent. However, a perusal of the earlier order pointed out above shows that the area of conflicts identified in this writ petition were never a subject matter of discussion or finding in the previous proceedings. Whether that order will entail the dismissal of this writ petition will be considered at the time of final disposal.



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13. Let the aforesaid exercise be conducted and the report be presented before this Court.

14. The parties shall maintain *status quo* till the next date of hearing.

15. The parties are directed to carry out the aforesaid exercise without waiting for a certified copy of the order. The District Collector, Namakkal, shall constitute a team she has already constituted earlier based on the web copy of the order.

16. List the matter immediately after admission on 23.10.2025.

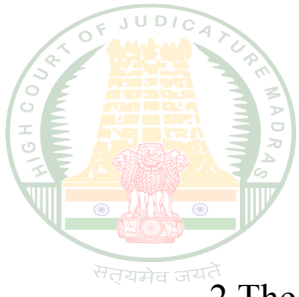
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Note to Registry: Upload the order copy on 26.09.2025.

To

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State of Tamilnadu rep.by
Municipal Administration and
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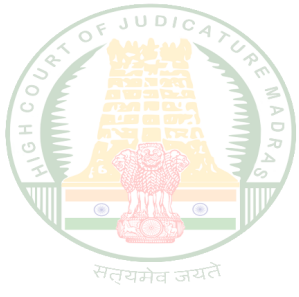
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V. LAKSHMINARAYANAN, J

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