

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Ninth day of December Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI

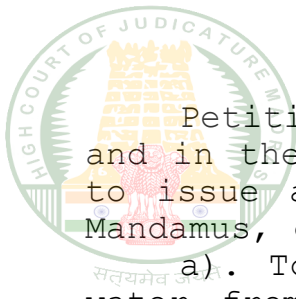
Suo Motu W.P(MD)No.17508 of 2020

THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

... PETITIONER

Vs

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION DEPARTMENT,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
FORT ST.GEORGE, CHENNAI - 600009
- 2 THE DISTRICT COLLECTOR
KARUR DISTRICT, KARUR.
- 3 THE COMMISSIONER
KARUR MUNICIPALITY, KARUR.
- 4 THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT,
WATER RESOURCES ORGANISATION, KARUR.
- 5 THE CHAIRMAN
POLLUTION CONTROL BOARD, CHENNAI.
(Case title amended vide order dated 02.12.2020
in *Suo Motu WP(MD)No.17508 of 2020*)
- 6 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY,
HOME DEPARTMENT, SECRETARIAT, CHENNAI - 600 009.
- 7 THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, SECRETARIAT, CHENNAI - 600 009
- 8 THE SECRETARY TO GOVERNMENT,
LAW DEPARTMENT, SECRETARIAT, CHENNAI - 600 009 ... RESPONDENTS
(R6 to R8 are *Suo Motu* impleaded vide court order dated 02.12.2020
made in *Suo Motu WP(MD)No.17508 of 2020* by NKKJ & BPJ)



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ or Orders or Direction in the nature of Writ of Mandamus, or any other appropriate Writ, directing the respondents

a). To take emergent and effective steps to divert the sewage water from the Amaravathy river within a time prescribed by the Honble Court.

b). To take preventive and punitive measures to control the dyeing units and industries from being polluted Amaravathy river.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.SAMIDURAI, Advocate for the petitioner and of Mr.SREECHARAN RANGARAJAN, Additional Advocate General assisted by Mrs.J.PADMAVATHI DEVI, Special Government Pleader for respondent Nos.1, 2, 4 and 6 to 8, MR.SENTHIL KUMRAIAH, Standing Counsel for respondent No.3 and Mr.RAJAGOPAL, Advocate for Mr.C.KASI RAJAN, Standing Counsel for respondent No.5 and Mr.T.MOHAN, Amicus Curiae, the court made the following order:-

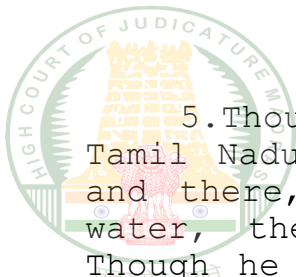
(Order of the Court was made by N.KIRUBAKARAN, J.)

This Court requested Mr.T.Mohan, learned counsel, to assist the Court as Amicus Curiae, as he has got rich experience in Environment and Industrial Pollution and also in giving suggestions to the Court to solve the problem.

2.Mr.K.Ravichandran, District Environmental Engineer, Tamil Nadu Pollution Control Board, Karur, is present before this Court through Video Conferencing and would submit that all the polluting Industries have already been closed and majority of the polluting Industries have got treatment plans. That apart, only three Units are located very near to the Amaravathi River and industrial effluents coming out from the said Units is being treated. Further, he would submit that the main source is only the sewage let in by the Karur Municipality.

3.Mr.Subramaniam Murugesan, Assistant Executive Engineer, Public Works Department, Aravakurichi Basin - IV, Karur, who is present before this Court through Video Conferencing, would submit that the main reason for the pollution is only the sewage let in by the Karur Municipality and the same is let out through four or five points, including Irattai Vaikkal and it starts from Andankoil Melpagam Village and reaches the Amaravathi River.

4.Mr.T.Mohan, learned Amicus Curiae, would submit that the main reason for the water pollution is not only by drainage, but also the industrial effluents are being let out and many Channels are being used for it.



5. Though Mr.K.Ravichandran, District Environmental Engineer, Tamil Nadu Pollution Control Board, Karur, would submit that then and there, regularly they are testing the quality of the ground water, they have not tested the samples from Irattai Vaikkal. Though he has been working for the past two years, no sample has been taken so far. Therefore, this Court directs Mr.K.Ravichandran, District Environmental Engineer, Tamil Nadu Pollution Control Board, Karur, to take samples from *Irattai Vaikkal*, where the sewage is let in by the Karur Municipality and also industrial effluents generated from various Industries are also let in to make it appear as if it is a sewage generated by the Local Body. At least five samples have to be collected from various places of *Irattai Vaikkal* and the same has to be sent to the Advanced Environmental Laboratory, Tamil Nadu Pollution Control Board, Salem, as well as to the Advanced Environmental Laboratory, Tamil Nadu Pollution Control Board, Guindy, Chennai, and a report shall be filed before this Court at the earliest.

6. With regard to the suggestions made by this Court, to amend the provisions of the Act 14 of 1982 to include the Polluters within the meaning of Goonda, so that, the major Polluters viz., the Industries would refrain themselves from polluting the water sources, Mr.Sricharan Rangarajan, learned Additional Advocate General appearing for the State seeks time to get instructions from the Government.

7. Though there are provisions for prosecuting the Polluters, so far no prosecution has been launched and even a few prosecutions, which have been launched, have already been quashed by this Court.

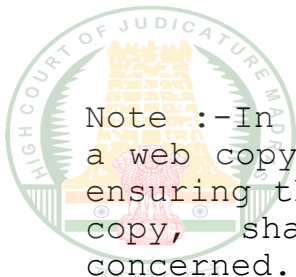
8. Mr.T.Mohan, learned Amicus Curiae, shall give his suggestions in this matter, so that, this Court would keep the matter pending and give directions by way of Mandamus and therefore, the pollution is prevented at its sources and there is a proper monitoring and precautions to the persons, who are polluting the water bodies.

9. Call the matter on 17.12.2020.

sd/-
09/12/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note :-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

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COPY TO:

- 1 THE REGISTRAR (JUDICIAL)
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- 2 Mr.K.RAVICHANDRAN,
DISTRICT ENVIRONMENTAL ENGINEER,
TAMIL NADU POLLUTION CONTROL BOARD, KARUR.
- 3 Mr.T.MOHAN, Advocate,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

Suo Motu W.P(MD)No.17508 of 2020

Date :09/12/2020