

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

Wednesday, the Second day of December Two Thousand and Twenty

PRESENT

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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.

(*) (Casue title amended vide order dated 02.12.2020 in *Suo Motu WP (MD)No.17508 of 2020*)

(*)

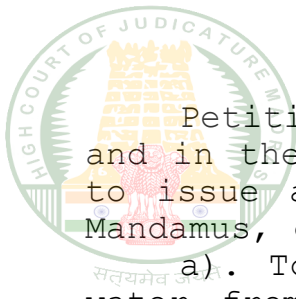
R6 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY,
HOME DEPARTMENT, SECRETARIAT,
CHENNAI - 600 009.

R7 THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT, SECRETARIAT, CHENNAI - 600 009

R8 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

<https://hcmvscs.ejournals.in/hcmvscs/> 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 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, the court made the following order:-

[Order of the Court was made by **N.KIRUBAKARAN,J.**]

A news item titled "**A Cooum in the making in Karur?**" is reported in an English Daily, dated 27.11.2020 that in Karur District, untreated effluents are discharged from the dyeing units and other companies into the River Amaravathi and thereby, polluting the entire river and considering the seriousness of the issue, this Court deems it appropriate to take up the issue and accordingly, directed the Registry to put up this matter as a *Suo Motu* Writ Petition and today, the matter is listed before this Court for hearing.

2. The main source of water pollution in India is untreated sewage. Most of the water bodies in India, including perennial rivers, are polluted. The pollution of water bodies is a pollution of the entire land as it affects human beings, animals, birds, plants and thereby, causing environmental imbalance. Though India is developed industrially, no proper steps or plans have been made regarding pollution control. Though the Pollution Control Board is monitoring the pollution, there are no proper infrastructures for treating the sewage and industrial effluents. It is not known as to whether required sewage treatment plants are available and properly maintained?

3. It is not only in Karur District, but throughout the country, the industries are polluting the water bodies by letting in untreated industrial effluents. Many water bodies are completely polluted and they become sewage channels. When the water bodies are polluted, not only the water, but soil is also polluted and the water becomes unfit for drinking purpose as well as for cultivation. That apart, because of pollution, the fishes and other living



creatures in the water bodies are also killed and the water bodies become unfit to be a living place for those creatures.

4. Pollution of water bodies causes a lot of health hazards to the people and it also affects the environment as well. Therefore, serious and emergent steps have to be taken to prevent and control pollution of water bodies.

5. The Honourable Supreme Court in **Vellore Citizens Welfare Forum v. Union of India** reported in **AIR 1996 SC 2715**, directed the polluters to pay compensation on the principle of polluters' pay. Though the Pollution Control Board is stated to be taking serious steps to inspect and control the pollution caused by the industries and local bodies, still the pollution is rampantly increasing. Unless very stringent measures are taken, it is very difficult to control the pollution of water bodies. Therefore, this Court is of the opinion that those who are polluting the water bodies should be termed as 'Goonda' as per the definition in Section 2 of the Tamil Nadu Act 14 of 1982, by amending the provisions to include the Promoters, Directors, Partners and all connected with the polluting industries and should be detained under the Act 14 of 1982, in case, if there is a pollution caused by the said industries/companies.

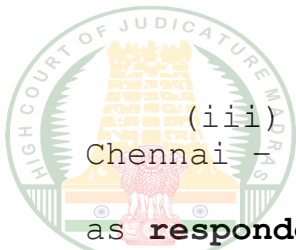
6. Though the above suggestion may appear to be an extreme step, there are examples in the past as the State Government, in order to safeguard the interest of the cinema industry, included the "video pirate", who commits or attempts to commit or abets the commission of offences of infringement of copy right in relation to a cinematograph film or a record embodying any part of sound track associated with the film, punishable under the Copy Right Act, 1957, in the definition as 'Goonda' and amended the Tamil Nadu Act 14 of 1982, to punish 'video pirate' under the said Act. Similar steps have to be taken by the State Legislature at the earliest regarding the polluters' of water bodies in the State.

7. It seems that the officials are not properly inspecting as to whether the Effluent Treatment Plants, for treating the effluents discharged from the industries including dyeing units, are functioning or not and whether the treated effluents alone are discharged into the water bodies.

8. Considering the facts and circumstances of the case, this Court *suo motu* impleads:

(i) The State of Tamil Nadu, represented by its Secretary, Home Department, Secretariat, Chennai - 600 009;

(ii) The Secretary to Government, Industries Department, Secretariat, Chennai - 600 009; and



(iii) The Secretary to Government, Law Department, Secretariat, Chennai - 600 009,

as **respondents 6 to 8** in this writ petition. Registry is directed to carry out necessary amendments in the cause title.

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9. Accordingly, this Courts raises the following queries:

(i) How many industries/companies are letting the untreated effluents into the water bodies in Karur District [with name and address]?

(ii) What is the available mechanism to verify as to whether the treated effluents or untreated effluents are discharged from the industries?

(iii) How many industries are straightaway letting the effluents into the water bodies by digging channels [necessary photographs to be filed]

(iv) What is the action taken in this regard?

(v) Whether Karur Municipality is discharging untreated sewage into the water bodies?

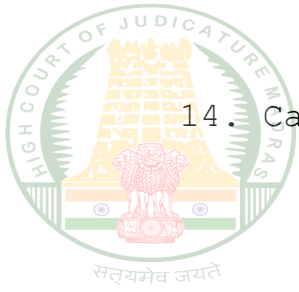
(vi) Why not the State Government amend the relevant provisions of the Tamil Nadu Act 14 of 1982 to include the Promoters, Directors, Partners and all connected with the polluting industries, which are polluting the water bodies by letting in untreated industrial sewage into the water bodies?

10. The State Government has to come out with a response to the above queries in the next date of hearing.

11. In the meantime, the Secretary, the District Legal Services Authority, Karur, is directed to inspect the River Amaravathi at Karur and file a report as to the actual position with necessary photographs.

12. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice for respondent Nos.1, 2, 4 and 6 to 8. Mr.Senthil Kumraiah, learned Standing Counsel takes notice for respondent No.3 and Mr.Rajagopal, learned Counsel representing Mr.C.Kasi Rajan, learned Standing Counsel, takes notice for respondent No.5.

13. It is also seen that the fifth respondent has been wrongly stated as 'The Chairman, Pollution Control Board, Karur', instead of 'The Chairman, Pollution Control Board, Chennai'. Registry is directed to carry out necessary correction in the cause title with regard to the fifth respondent and amend the same appropriately.



14. Call on **04.12.2020**.

sd/-
02/12/2020

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

TO

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
MUNICIPAL ADMINISTRATION DEPARTMENT,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
FORT ST.GEORGE, CHENNAI - 600009
- 2 THE DISTRICT COLLECTOR
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PUBLIC WORKS DEPARTMENT,
WATER RESOURCES ORGANISATION, KARUR.
- 5 THE CHAIRMAN
POLLUTION CONTROL BOARD, CHENNAI.
- 6 THE SECRETARY, THE STATE OF TAMIL NADU,
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

COPY TO:

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE SECRETARY,
THE DISTRICT LEGAL SERVICES AUTHORITY, KARUR.

ORDER IN

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

Date :02/12/2020