

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**SOUTHERN ZONE, CHENNAI**

**Original Application No. 51 of 2025 (SZ)**

**In the matter of:**

M. Shanmugam,  
Coimbatore

... Applicant(s)

Versus

District Collector,  
Coimbatore and Ors.

...Respondent(s)

**INDEX**

<b>S. No.</b>	<b>Date</b>	<b>Description</b>	<b>Page No.</b>
1	16.09.2025	Memo filed by the Standing Counsel For Government of Tamil Nadu.	1-2
2	19.05.2025	Annexure 1- Affidavit filed in Writ Petition No. 19412 of 2025	3-28
3	28.05.2025	Annexure 2- Order passed in Writ Petition No. 19412 of 2025	29-39

(**Note:** The page numbers are at the top centre of every page)



Through

Dr. D. Shanmuganathan

Standing Counsel for Government of Tamil Nadu

National Green Tribunal

Southern Zone, Chennai

**DATE: 16.09.2025**

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M. Shanmugam,  
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**MEMO FILED BY THE STANDING COUNSEL FOR**  
**GOVERNMENT OF TAMILNADU**

1.It is respectfully submitted that the above-mentioned Original Application No. 51 of 2025 was filed before the Hon'ble National Green Tribunal, Southern Zone, on **19.03.2025**, and was taken up for hearing on **27.03.2025**.

2.It is further submitted that the subject matter of the present application is substantially similar to the issues adjudicated by the Hon'ble High Court of Madras (Principal Bench) in **Writ Petition No. 19412 of 2025**, titled *M. Shanmugam vs. District Collector and Others*, filed on **26.05.2025** by the same applicant who has filed the Original Application before this Hon'ble Tribunal. The said Writ Petition was dismissed by the Hon'ble High Court vide order date **28.05.2025**.

**CHRONOLOGY**

<b>S. No.</b>	<b>Date</b>	<b>Event</b>
1	19.03.2025	Original Application No. 51 of 2025 (SZ) filed before the NGT, SZ
2	27.03.2025	Original Application taken up for admission
3	08.04.2025	Applicant sought time to furnish relevant documents
4	26.05.2025	Writ Petition No. 19412 of 2025 filed before the Hon'ble Madras High Court
5	28.05.2025	Writ Petition dismissed by the Hon'ble High Court

**The following Documents are Enclosed for the Tribunal's Perusal**

2. Affidavit filed in Writ Petition No. 19412 of 2025 date **19.05.2025**
3. Order passed in Writ Petition No. 19412 of 2025 date **28.05.2025**



Dr. D. Shanmuganathan  
Standing Counsel  
Government of Tamil Nadu  
National Green Tribunal  
Southern Zone, Chennai

IN THE HGH COURT OF JUDICATURE OF MADRAS  
(SPECIAL ORIGINAL JURISIDICTION)

W.P. No. 1942 of 2025

**M. Shanmugam (Aged about 60 Years)**

S/o. P. Mallaiyan,  
No. 12/1B, Santhosh Illam,  
Sri Lakshmi Nagar, Mallaiyan Garden,  
Sundakkamuthur, Coimbatore South,  
Coimbatore, Tamil Nadu - 641 042.

...Petitioner

-Vs-

**1. District Collector,**

Coimbatore District Collector Office,  
7/1, State Bank Road, Gopalapuram,  
Coimbatore, Tamil Nadu — 641 018.

**2. The Principal Secretary Municipal**

Administration Department  
of Water Resources Management  
Secretariat, Chennai — 600 001.

**3. Director of Town Panchayat MRC Nagar,**

Raja Annamalai Puram,  
Chennai — 600 028.

**4. The Assistant Director of Town Panchayat**

3<sup>rd</sup> Floor, Collector Office Building,  
7/1, State Bank Road, Gopalapuram,  
Coimbatore, Tamil Nadu — 641 018.

**5. The Executive Engineer,**

Town Panchayat Office  
Ettimadai Post, Coimbatore,  
Kandhe Gounder Chavady, Tamil Nadu - 641 112.

**6. The President,**

Town Panchayat Office  
Ettimadai Post, Coimbatore,  
Kandhe Gounder Chavady, Tamil Nadu - 641 112.

...Respondents 1 to 6

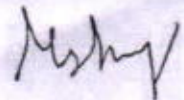
**AFFIDAVIT OF MR. M. SHANMUGAM**

I, am Shanmugam, son of P. Mallaiyan, aged about 60, residing at 12/1B, Santhosh Illam, Sri Lakshmi Nagar, Mallaiyan Garden, Sundakkamurthur, Coimbatore South, Coimbatore, Tamil Nadu, 641 042, having come down to Chennai for the purpose of signing this affidavit do hereby solemnly affirm and state as follows:

1. I humbly submit that I am the Petitioner herein and I am well aware of the facts and circumstances of the case and competent to I swear to this Affidavit on my behalf.

2. I am Constrained to file the present Writ Petition pertaining to the issue of proposed Solid Dry waste Garbage Dump yard to construct Resource Recovery Shed [2.00 MT] in the Resource Recovery Park in Ettimadai town panchayat on the alleged ADW Porampoke land Comprised in Survey no 162/2A classified Waste in the geological formation as "Neer Odai" /THARISU [WATERBODY] herein after referred to as "PROJECT LAND". The present writ petition is filed based on information and personal knowledge. I am income tax assessee and holding PAN Card (AJUPS179 IF).

3. I respectfully submit that this Writ Petition regarding the proposed 6 SHPC — Dry Waste Proposal Report TS No.324/23-24 dated 13.03.2024 and TS No.325/23-24 dated 13.03.2024 mentioning the Proposal are Detail Project Report are submitted the name of the projects are Construction of in Resources Recovery shed (2.00MT) in Resource Recovery Park Ettimadai Town Panchayat and Providing Window pad with Roofing (2.5MT) at Resources Recovery Park in Ettimadai Town Panchayat are planned by Town Panchayat on the alleged ADW Porampoke land Comprised in Survey no 162/2A classified(ADW) Dry Waste in the geological formation as "Neer Odai" /THARISU "PROJECT LAND".



4. I respectfully submit that the above PROJECT LAND measuring 0725 and comprised in Survey no 162/2A is situated adjacent to my land comprised in 162/2B1.

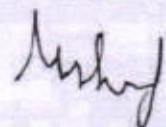
5. I Respectfully submit that am the owner of agricultural land measuring 0.17 acers comprised in Survey nol162/2B1 situated at Ettimadai Town Panchayat in Thirumalaiyam Palayam Kottam, Madukkrai Taluk, Coimbatore District. Agriculture is main occupation there. I submit adjoining my land, there are several agricultural lands owned by my family members. Apart from that there are many agricultural lands owned by many private persons.

6. I respectfully Submit that the Detailed project report and project cost for Estimate prepared by the junior Engineer and Assistant Engineer of the 5<sup>th</sup> respondent at an estimated cost of 20.60 lakhs the construction of Resource Shed [Garbage Dump yard] here in after referred to as "Project" which was approved and sanctioned by the executive officer of the 5<sup>th</sup> respondent.

7. I respectfully submit that the 5<sup>th</sup> respondent also proposed to construct for Providing Window Pad with roofing [2.5 mt] at the same resource recovery park situated in "NEER OODAI" / THARISU (ADW) assessment Dry Waste PORAMPOKE WHICH IS ADJACENT TO my agricultural land hereinafter referred to as "PROJECT LAND"

8. I Respectfully submit that pursuant to the above, the 5<sup>th</sup> respondent and their officers and servants commenced construction work and deployed JCB Machinery and entered my land unauthorisedly without my consent and without any Notice started surveying my land.

9. I respectfully submit that immediately on coming to know this, I along with other neighbouring land owners who are all farmers owning agricultural lands adjacent to my land as well as project land submitted a joint



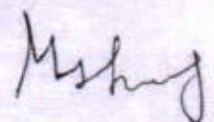
17

representation on 20<sup>th</sup> NOVEMBER 2024 to the President of the Thirumalaiyam Palayam Kottam, Ettimadai Town panchayat.

10. I respectfully submit that the title deed for Survey No. 162, Sub-division 2B1, situated within the locality of Thirumalaiyam Palayam Kottam, Ettimadai Panchayat, Coimbatore District, is duly registered in the name of the petitioner. The petitioner is the legitimate and rightful owner of the said property, as per the official land records and title deed documents. The surrounding area is predominantly characterized by agricultural land, which contributes to the rural and semi-urban nature of the region. This land use is consistent with the broader land use patterns of the area, where agricultural activities are the primary source of livelihood for many inhabitants. However, in addition to agriculture, the area is also home to various social establishments that cater to community needs, including educational institutions such as schools, and welfare facilities like old age homes. Additionally, the land supports various workers and other residents who contribute to the upkeep and development of the surrounding community. It is important to note that while the area retains its agricultural essence, the presence of these institutions and workers underscores the evolving nature of the locality, where development is balanced with rural and social objectives.

11. I respectfully submit that adjacent to both our land and the project site, there is an Old Age Home managed by the Narayana Guru Charitable Trust. This facility houses elderly residents who may be significantly impacted by the project. Potential disruptions such as noise, air quality issues, and accessibility concerns could affect the daily operations of the home and the well-being of its residents. Additionally, the construction process may create an environment of stress or anxiety for those living there.

12. I respectfully submit that there is a water source land near my agricultural land. A plan has been put in place the panchayat to build that a garbage dump building is proposed on in the by the water source land in survey no 162/2A which is classified as "ODAI "For that some JCB vehicles



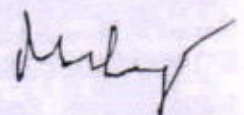
were deployed 5 respondent and these JCB vehicles entered in my patta land without notice and caused damage to the crops grown and also caused damaged to the culvert constructed by the Petitioner damaging the inscription there.

13. I respectfully submit that despite my explicit protest and refusal with to the grant project permission, the 5th respondent proceeded work, which included the unauthorized passage of a vehicle across my land, identified as S.No.162/2B, which is classified as agricultural land this action may amount to an unlawful encroachment on my property, I had clearly communicated my objections and denial of access to my property, citing both my rights as the landowner and the legal restrictions surrounding the use of agricultural land.

14. I respectfully submit that the notification regarding Solid Waste Management Scheme was announced in 6 SHPC — Dry Waste Proposal Report TS No.324/23-24 dated 13.03.2024 and TS No.325/23-24 dated 13.03.2024 mentioning the Proposal are Detail Project Report are submitted the name of the projects are Construction of Resources Recovery shed (2.00MT) in Resource Recovery Park in Ettimadai Town Panchayat and Providing Window pad with Roofing (2.5MT) at Resources Recovery Park in Ettimadai Town Panchayat were planned by the Town Panchayat.

15. I hereby submit the NARAYANA GURU CHARITABLE TRUST who is running old age home opposite to my land also submitted a representation on 4 OCTOBER 2024 to the Executive officer of the 5 respondent.

16. I respectfully submit that the construction of the Resource Recovery Shed for solid dry waste management at the project site raises serious environmental concerns, particularly for the children at MEHAR CHILDREN HOME and the senior citizens residing in the Old Age Home established by the NARAYANA GURU CHARITABLE TRUST. The waste management operations could lead to air and water pollution, which may have detrimental effects on the health of these vulnerable groups. Pollutants such as particulate matter



and harmful fumes could impact the respiratory health of both children and elderly residents, while the potential for water contamination could affect the quality of water used by these facilities.

17. I respectfully submit that several agricultural lands owned by various farmers are also adversely affected by the project, and as a result, these landowners have submitted a formal representation to the 6th respondent. These farmers have expressed their concerns regarding the potential loss of productivity, damage to their lands and disruption to their livelihood, and other adverse impacts that the project may cause to their agricultural activities. It is pertinent to note that the significant role which these lands play in sustaining the livelihoods of local farming communities, it is important that their concerns be addressed in a manner that minimizes any negative effects on their property rights, farming operations, and overall well-being. It is imperative that these representations be duly considered, and appropriate measures be taken to ensure that the interests of these affected landowners are fairly represented and protected.

18. I respectfully submit that the respondents failed to issue any FORMAL NOTICE regarding the commencement of this project within the panchayat, AND NO PUBLIC NOTICE OR PUBLIC HEARING WAS CONDUCTED TO SOLICIT THE VIEWS OF THE PUBLIC, as required under the Air and Water Pollution Acts. Additionally, the 5th respondent has not adhered to the provisions outlined in the SOLID WASTE MANAGEMENT RULES OF 2016. This lack of proper communication and failure to follow legal requirements not only undermines transparency but also deprives the public of their right to participate in the decision-making process concerning the project's potential environmental and social impacts.

19. I hereby submit that immediately after coming to know of the project at project land, the petitioner and other farmers sent a representation on 20.11.2024, to the 6<sup>th</sup> Respondent.

*Msby*

20. I Respectfully submit that the Coimbatore District president of the Farmers Association also submitted a \_ similar representation to the DISTRICT COLLECTOR viz the 1\* Respondent herein stating that if this project is implemented, all agricultural lands will be damaged to pollution caused on account of solid waste resources recovery shed which is against the sold management rules 2016.

21. I respectfully submit that I have made several joint representations with farmers and associations, in addition to sending a personal representation dated 18.12.2024 to the respondents. Despite these efforts, the 5th respondent is continuing with the project.

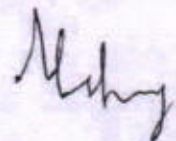
22. I respectfully submit that a bill was further passed in February, 2024 to amend the TAMIL NADU PANCHAYATS ACT, 1994 herein referred to as bill of 2024 where the insertion of section 110A was implemented.

After section 110 of the Tamil Nadu Panchayats Act, 1994 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

*“110-A Solid waste management.— (1) It shall be the duty of the panchayat to manage the solid waste so as to keep the public place clean, by adopting a system of collection of segregated waste at source, transportation, processing and disposal of solid waste scientifically in a place specifically allotted for this purpose by the panchayat, either within or outside the panchayat limit.*

*(2) The public, households, commercial establishments and other institutions shall segregate the solid waste generated by them and dispose of it or hand it over to the panchayat in such manner as may be prescribed.”*

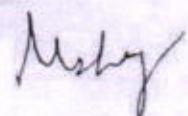
*(3). In section 136 of the principal Act, for the expression “filth”, the expression “filth, solid waste” shall be substituted.*



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*Based on Section 110-A of the relevant law, it is the duty of the Panchayat to ensure the scientific management of solid waste by adopting a system of waste segregation at source, transportation, processing, and disposal in an area specifically allotted for this purpose. The Panchayat is also required to ensure that waste is disposed of in a manner that is environmentally sound and in compliance with prescribed guidelines. I submit that the tender for constructing a solid waste dump yard on a water source land and near agricultural lands directly contravenes the duty imposed under Section 110-A, as it fails to account for the environmental impact of such placement, particularly with respect to the contamination of water bodies and the disruption of agricultural land and activities. Further, the bill of 2024 mandates the identification of specific areas for such purposes, constructing a dump yard in such sensitive locations violates the principles of sustainable waste management, public health, and environmental protection. I submit that the dry waste dump yard must be situated in an area that is neither agricultural land nor in proximity to water sources, ensuring compliance with environmental laws, and the scientific management of waste as prescribed under Section 110-A. It is pertinent to note that the proposed tender by the 5<sup>th</sup> respondent in such a location violates these statutory requirements.*

23. I respectfully submit that the Panchayat is required to designate a site for solid waste disposal that does not interfere with agricultural activities or contaminate water sources, and any public place where it is likely to effect human as well as animal health. Specifically, waste disposal facilities must not be located on productive agricultural land, as this could disrupt farming practices and lead to soil contamination. Furthermore, the respondents has proposed such site which is situated in water source land, as well as near public households and NGOs, where the people may dump the household waste and commercial waste in the near by dump yard and cause further



contamination. I submit that the waste management site must be in an area that ensures environmental safety and public health, in compliance with the scientific waste disposal methods prescribed by law. As the proposed site fails to meet these critical criteria, the tender does not comply with legal requirements for safe, sustainable, and responsible waste management.

*In the case Ratlam Municipal Council v. Vardichan and Others.  
(1980) 4 SCC 162.*

*"The Supreme Court ruled that local authorities have a duty under Article 47 of the Constitution, which mandates the state to raise the standard of living and improve public health, to ensure public hygiene. The court held that the municipality must take immediate steps to address the issue, emphasizing the importance of ensuring a clean and healthy environment for the public. The judgment reinforced the principle that the government and local bodies cannot neglect their responsibility toward public welfare and health. The Court also highlighted that the government and local bodies cannot neglect their responsibility to protect the public from harmful conditions and must ensure a clean and healthy environment."*

24. I respectfully submit that the 5<sup>th</sup> Respondent failed to consider the rules given under G.O. 47 dated 26.03.2015, SWM SYSTEM wherein, 18 Para has stated that \*Social Audit Grama Shall Conduct the Social Audit of Solid Waste Management activities in the respective Village Panchayat. The entire operations with and expenditure should be place in the all the grama sabha meetings to ensure transparency and also suggestions and improvements".

25. respectfully submit that the 5<sup>th</sup> Respondent failed to adhere the rules under Solid Waste Management Rules, 2016, which stipulates that any solid waste processing facility, including a garbage dump or resource recovery shed, must follow the prescribed procedures, including obtaining consent from nearby landowners, conducting public hearings, and complying with

*Rushy*

23

environmental safeguards. The project undertaken by the 5th respondent for constructing a Resource Recovery Shed (Solid Waste Dump Yard) at the alleged ADW Porampoke land (Survey No. 162/2A) is in clear violation of the Solid Waste Management Rules, 2016. In the case *MC Mehta v. Union of India* (1987) 1 SCC 395 The court emphasized that

*“any industrial or development activity, especially those potentially causing environmental harm, must be conducted in accordance with environmental regulations and should include public consultations and environmental clearances”.*

*In the case Kailash Verma v. Union of India (2020): The Supreme Court held that*

*“solid waste management projects should ensure the implementation of necessary safeguards to prevent damage to the environment and the livelihood of people living in the vicinity”.*

26. I respectfully submit that the respondents violated the petitioner's constitutional Right to Property under Article 300A of the Constitution of India, as the petitioner is the lawful owner of agricultural land measuring 0.17 acres situated at Survey No. 162/2B1, in Ettimadai Town Panchayat, Coimbatore District. The 5th respondent, and the other officials by entering the petitioner's property without any prior notice or consent, damaging crops and the culvert built by the petitioner. This act of trespass and destruction of agricultural property is as unlawful and infringes upon the petitioner's rights under common law well as constitutional protection under Article 300A “which mandates that no person shall be deprived of their property except by the procedure established by law”. In the case *K.K. Verma v. Union of India* (1954) AIR 524 highlighted that

*“the state or any other entity cannot deprive an individual of their property without following a procedure established by law”.*

*In the case State of Rajasthan v. Union of India (1977) 3 SCC 592: The court ruled that*

*"any infringement on private property rights, especially without proper legal authorization, can be challenged".*

27. I respectfully submit that the 5<sup>th</sup> respondent failed to observe that proposed project is likely to cause adverse environmental impact significant to air and water pollution, which will directly affect the health and well-being of the children residing at Mehar Children's Home and senior citizens living at the Narayana Guru Charitable Trust Old Home, which are situated in close proximity to the proposed project land. Furthermore, the petitioner's agricultural land and neighbouring farms will suffer from the contamination of soil and water resources, affecting agricultural productivity and the livelihood of local farmers. Which violates the provisions under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974 which safeguards from such environmental harms. In the case Union of India v. Narmada Bachao Andolan (2000) 10 SCC 664: The Supreme Court ruled that

*"the rights of farmers should be given utmost importance when projects are proposed that could affect their land and livelihoods. The Court observed that public interest must be balanced with the protection of the environment and livelihood of local communities".*  
*In M.C. Mehta v. Union of India (1987) 1 SCC 395: "The Supreme Court held that the state must take steps to prevent air and water pollution, especially in areas where sensitive institutions, such as children's homes and old age homes, are located".*  
*In Vellore Citizens Welfare Forum v. Union of India (1996) 5 SCC 647: "The Supreme Court acknowledged the critical importance of protecting the environment from pollution caused by waste management activities, including solid waste dumps and their proximity to residential and agricultural areas".*

*Mishra*

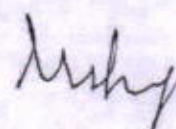
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28. I respectfully submit that the 5<sup>th</sup> respondent failed to Comply with the National Green Tribunal (NGT) Regulations and Precedent which has consistently held that any project affecting the environment, particularly solid waste management projects, must comply with environmental safeguards, including obtaining prior environmental clearance, conducting a public hearing, and ensuring that the interests of affected parties are safeguarded.

29. I respectfully submit that the respondents failed to comply with the Principles of Environmental Justice and Right to a Healthy Environment under Article 21 of the Indian Constitution which includes the right to a safe and healthy environment. The construction of and a garbage dump yard on land classified as "Neer Odai" (Waterbody) adjacent to agricultural land constitutes an infringement on the fundamental right to life, as it will adversely affect both the environment and public health. Pollutants from the project will have a direct and deleterious children, or impact elderly on the persons, surrounding and farmers. community, In the case particularly Sarvepalli Ramaiah V. District Collector [Civil appeal No. 7461 of 2009], which has stated that if an area is found to be Water Body (even dried up fallen into disuse) as per the Revenue Records, the Government should protect it and the area should not be alienated at any cost. In this case the project has been put in place in the panchayat to build a garbage dump is proposed on the water source land in survey no 162/2A which is classified as "ODAI".

In the case Rajbala v. State of Haryana (2016) 2 SCC 445: "The Supreme Court held that any action which violates the right to a healthy environment, particularly actions that affect the health and livelihood of individuals, can be challenged under Article 21".

30. I respectfully submit that the respondents failed to perform their to conduct Public Hearing and Consultation, under the Environment Protection Act, 1986 And its associated rules including Environmental Impact Assessment (EIA) Notification, which mandate that any major project that might affect the environment, such as a solid waste management facility, must



undergo a public hearing particularly those whose livelihoods and properties are directly affected. Despite the significant impact of the project on the lives and livelihoods of the petitioner and other residents and farmers in the area, the 5th respondent failed to provide any formal notice of project's implementation or the opportunity for a public hearing. The principles of natural justice and the right to be heard are foundational to environmental law, and their violation in this case renders the 5th respondent's actions procedurally flawed and legally unsustainable. In the case *Centre for Environmental Law v. Union of India* (2017) 10 SCC 139: The court found "that failure to conduct public hearings and obtain consent for a project violates constitutional rights, particularly when it impacts property and health".

*Similarly, in the case T.N. Godavarman Thirumulpad v. Union of India* (2006) 2 SCC 1,

*"The Supreme Court emphasized that authorities must ensure procedural fairness, including providing proper notice and conducting hearings in environmental cases". In the case Bangalore Development Authority v. R. Hanumaiah* (2005) 6 SCC 233: *"The Court held that all affected parties must be given an opportunity to be heard before a project affecting their rights or environment is implemented".*

31. I had file case on getting environmental clearance against the repondents in Original Application No.51/2025(SZ) before National Green Tribunal, Chennai. During the pendency the respondents entered the petitioner's patta land, comprised in Survey No.162/2BI measuring 0.17 acres and the movement of JCB vehicles on the petitioner's land

32. Aggrieved by the same and having no other speedy and efficacious remedy except to approach this Hon'ble High Court under Article 226 of Constitution of India seeking Writ of Mandamus among the following grounds.

Mshy

27

33. I humbly submit that there exists an imminent and compelling urgency in the present matter, inasmuch as the Respondents entered the petitioner's patta land, comprised in Survey No.162/2BI measuring 0.17 acres and the movement of JCB vehicles on the petitioner's land and on 17.05.2025 Ettimadai Panchayat officials without authorization entered petitioner's land without notice and damaged crops through JCB machinery.

#### GROUNDS

A. The act of the respondents attempts to construct solid waste management is contrary to **Section 10 of the Solid Waste Management Rules, 2016.**

*"Right to Appeal: Any person aggrieved or affected by this Greater Chennai Corporation Solid Waste Management By-Law, 2016 shall have the right to appeal before the Commissioner of Greater Chennai Corporation within 30 days. Byelaws will take effect after the due approval of the Greater Chennai Corporation Council."*

B. That the Respondents had failed to properly assess the land for solid waste management which is situated near the path where the water stream through that land during heavy fall every year.

C. That the Respondents had failed to assess the consequences of closing the water stream path that would affect the agricultural and farm lands nearby, this affects the farmers livelihood and occupation which is against the right to livelihood.

The right to livelihood is an integral part of the right to life, which is guaranteed by the Constitution of India

***Olga Tellis Vs Bombay Municipal Corporation in 1985***

*The petition claimed the right to live on pavements or in slums because there was no alternative accommodation available close to their place of work. If they were forced to move they would lose their livelihood as well.*

*Asky*

*The Supreme Court said, "Article 21 of the Constitution which guaranteed the right to life included the right to livelihood. Therefore, if pavement dwellers were to be evicted they should first be provided alternative accommodation under the right to shelter."*

D. That the respondents had also failed to notice that there is Mehra Orphanage for Children and elderly home nearby, this affects the health of the children and elderly people.

E. That the Respondents had failed to adhere to the provision and constructing solid waste management which is situated in between the agricultural and farming lands and such land is Neer Nilai Poramboke Land and which is against Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007

**Section 8 of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007**

*Whoever*

*(a) Enters the land in the water spread and foreshore areas of the tank without any lawful authority,*

*(b) practices crop cultivation without any lawful authority,*

*(c) raises plantation crops without any lawful authority,*

*(d) damages the tank bund, tank sluices, surplus weirs and other built in structures,*

*(e) obstructs the officers in carrying out their work under this Act, (f) interferes with the flow in the supply channels feeding the tanks and encroaches upon adjoining canal poramboke lands,*

*(g) interferes with the flow in the field channels taking off from tank sluices to feed the ayacut area,*

*(h) damages distribution and control structures located in the field channels,*

*(i) damages and obstructs the flows in the field drainage systems,*

*(j) lifts water from the tank through mechanical and electrical devices for cultivation, without lawful authority,*

*Thus, Protection of action taken in good faith.*

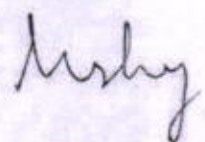
*Mishy*

29

- F. That the respondents failed to issue prior notice or publishing in newspaper, such omission constitutes a clear violation of the principle of natural justice as well as breach of the Solid Waste Management Rules, 2016.
- G. That the respondents had also failed to notice that there are many houses and residential nearby, in a watershed area, solid waste management can lead to significant environmental damage, including water contamination through leachate, disruption of natural water flow, habitat destruction, increased erosion, and potential health risks due to the spread of disease vectors, all of which severely impact ecosystem and water quality within the watershed.
- H. Solid waste management in residential areas include environmental contamination through air, water and soil pollution, breeding grounds for pests and disease vectors, unpleasant orders, aesthetic degradation of the area potential health risks from hazardous waste, increased risk of flooding due to clogged drains, and negative impacts on property values due to improper disposal practices, in case of air, water and land polluted with the solid waste this would affects the health of the public which is against the *Air Act (Prevention and Control of Pollution), 1981* and *Water Act (Prevention and Control of Pollution), 1974*.

In these circumstances, it is therefore prayed that, this Honourable COURT, may be pleased:-

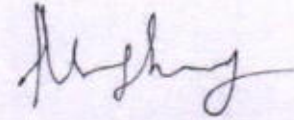
- (a) To issue a WRIT OF MANDAMUS or any other appropriate writ, in the nature of a writ, order, or direction, to direct the 5th and 6th respondents, their officers, and servants to restrain from entering the petitioner's patta land, comprised in Survey No.162/2BI measuring 0.17 acres and prevent the movement of JCB vehicles on the petitioner's land, which is nota public road,



located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District until the disposal of the Case before the National Green Tribunal, Chennai.

(b) To grant INTERIM INJUNCTION restraining the respondents from proceeding with the construction of the solid waste management and related projects in Survey No.162/2BI measuring 0.17 acres and prevent the movement of JCB vehicles on the petitioner's land, which is nota public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District until the disposal of the Case before the National Green Tribunal, Chennai.

Solemnly affirmed at Chennai this  
the 19<sup>th</sup> day of May, 2025  
signed his name in my presence.



BEFORE ME

ADVOCATE: CHENNAI

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**IN THE HIGH COURT OF  
JUDICATURE  
AT MADRAS  
(SPECIAL ORIGINAL JURISDICTION)**

W.P.No. of 2025

M. Shanmugam  
S/o. P. Mallaiyan

19412

...Petitioner

-Vs-

1. District Collector,  
Coimbatore District Collector Office  
And 5 others

...Respondents 1-6

**AFFIDAVIT OF THE PETITIONER**

**M/s. Prabhakaran R (1646/2001)  
Vasanthakumar A (4174/2023)  
Jenith Joshua P (6564/2023)  
Rajesh M (8633/2023)  
Sanobar Fatema A (4456/2024)**

**Counsel for Petitioner  
8124503027**

*Memorandum of writ Petition*  
*( Art 226 of the Constitution of India )*  
**IN THE HIGH COURT OF JUDICATURE OF MADRAS**

**(SPECIAL ORIGINAL JURISDICTION)**

W.P. No. *194/2* of 2025

**M. Shanmugam (Aged about 60 Years)**

S/o. P. Mallaiyan,  
 No. 12/1B, Santhosh Illam,  
 Sri Lakshmi Nagar, Mallaiyan Garden,  
 Sundakkamuthur, Coimbatore South,  
 Coimbatore, Tamil Nadu - 641 042.

...Petitioner

-Vs-

**1. District Collector,**

Coimbatore District Collector Office,  
 7/1, State Bank Road, Gopalapuram,  
 Coimbatore, Tamil Nadu — 641 018.

**2. The Principal Secretary Municipal**

Administration Department  
 of Water Resources Management  
 Secretariat, Chennai — 600 001.

**3. Director of Town Panchayat MRC Nagar,**

Raja Annamalai Puram,  
 Chennai — 600 028.

**4. The Assistant Director of Town Panchayat**

3<sup>rd</sup> Floor, Collector Office Building,  
 7/1, State Bank Road, Gopalapuram,  
 Coimbatore, Tamil Nadu — 641 018.

**5. The Executive Engineer,**

Town Panchayat Office  
 Ettimadai Post, Coimbatore,  
 Kandhe Gounder Chavady, Tamil Nadu - 641 112.

**6. The President,**

Town Panchayat Office  
 Ettimadai Post, Coimbatore,  
 Kandhe Gounder Chavady, Tamil Nadu - 641 112.

...Respondents 1 to 6

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**MEMORANDUM OF WRIT PETITION**

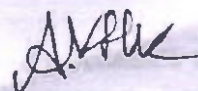
The Petitioner above named begs to submit as follows:

The address for service of all notice and processes of this Hon'ble Commission to the Complainant is that of her counsel Mr. R. Prabhakaran, Mr.A.Vasanthakumar, Mr.P.Jenith Joshua, Mr.M.Rajesh and Ms. A. Sanobar Fatema, having office at 2<sup>TM</sup> floor, Navin's Apartment, Nandanam Extension, Nandanam, Chennai, Tamil Nadu 600035.

The address for services of all notices and process on the Respondents 1,2, and 3 is on the same addresses as stated above.

For the reasons stated in the accompanying affidavit it is humbly prayed that this Honorable Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ, in the nature of a writ, order, or direction, to direct the 5th and 6th respondents, their officers, and servants to restrain from entering the petitioner's patta land, comprised in Survey No.162/2BI measuring 0.17 acres and prevent the movement of JCB vehicles on the petitioner's land, which is nota public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District until the disposal of the Case before the National Green Tribunal, Chennai.

Dated at Chennai on this 17<sup>th</sup> day of May, 2025.



Counsel for Petitioner

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

5300 SOUTH CAMPUS DRIVE

CHICAGO, ILLINOIS 60637

TEL: 773-936-3700

FAX: 773-936-3701

WWW.PHYSICS.UCHICAGO.EDU

PHYSICS 101

LECTURE 1: INTRODUCTION

1.1. THE SCIENTIFIC METHOD

1.2. MEASUREMENTS

1.3. UNITS

1.4. VECTORS

1.5. KINEMATICS

1.6. DYNAMICS

1.7. ENERGY

1.8. MOMENTUM

1.9. ROTATION

1.10. OSCILLATIONS

1.11. WAVES

1.12. OPTICS

1.13. ELECTRICITY

1.14. MAGNETISM

1.15. RELATIVITY

1.16. QUANTUM MECHANICS

1.17. PARTICLES

1.18. COSMOLOGY

1.19. BIOPHYSICS

1.20. ENVIRONMENTAL PHYSICS

1.21. HISTORY OF PHYSICS

1.22. FUTURE OF PHYSICS

1.23. CONCLUSION

1.24. APPENDIX

1.25. INDEX

1.26. GLOSSARY

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**IN THE HIGH COURT OF JUDICATURE  
AT MADRAS  
(SPECIAL ORIGINAL JURISDICTION)**

W.P.No. **19412** of 2025

M. Shanmugam

S/o. P. Mallaiyan

...Petitioner

-Vs-

1. District Collector,

Coimbatore District Collector Office

And 5 others

...Respondents 1-6

**MEMORANDUM OF WRIT PETITION**

**M/s. Prabhakaran R (1646/2001)**

**Vasanthakumar A (4174/2023)**

**Jenith Joshua P (6564/2023)**

**Rajesh M (8633/2023)**

**Sanobar Fatema A (4456/2024)**

**Counsel for Petitioner**

**8124503027**



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IN THE HIGH COURT OF JUDICATURE  
AT MADRAS  
(SPECIAL ORIGINAL JURISDICTION)

W.P.No. 19412 of 2025

M. Shanmugam

S/o. P. Mallaiyan

...Petitioner

-Vs-

1. District Collector,  
Coimbatore District Collector Office  
And 5 others

...Respondents 1-6

**TYPED SET OF DOCUMENTS**



M/s. Prabhakaran R (1646/2001)

Vasanthakumar A (4174/2023)

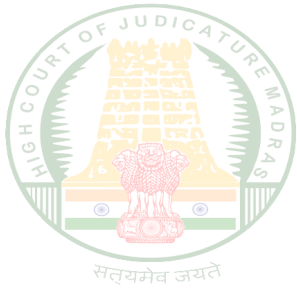
Jenith Joshua P (6564/2023)

Rajesh M (8633/2023)

Sanobar Fatema A (4456/2024)

**Counsel for Petitioner**

**8124503027**

**W.P.No. 19412 of 2025****IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED: 28-05-2025****CORAM****THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI**

WP No. 19412 of 2025

and

WMP.No. 21667 of 2025

---

M. Shanmugam

...Petitioner

Versus

1. The District Collector  
Coimbatore District Collector Office  
7/1, State Bank Road, Gopalapuram  
Coimbatore, Tamil Nadu-641 018.
2. The Principal Secretary,  
Municipal Administration Department  
of Water Resources Management  
Secretariat, Chennai – 600 001.
3. The Director of Town Panchayat,  
MRC Nagar, Raja Annamalaipuram  
Chennai – 600 028.



W.P.No. 19412 of 2025

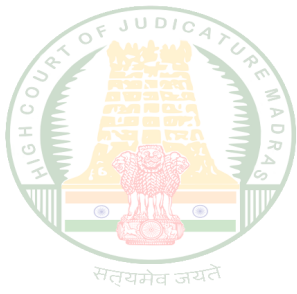
4. The Assistant Director of Town Panchayat  
3<sup>rd</sup> Floor, Collector Office Building  
7/1, State Bank Road, Gopalapuram  
Coimbatore, Tamil Nadu – 641 018.

5. The Executive Engineer  
Town Panchayat Office  
Ettimadai Post, Coimbatore,  
Kandhe Gounder Chavady,  
Tamil Nadu-641 112.

6. The President,  
Town Panchayat Office  
Ettimadai Post, Coimbatore,  
Kandhe Gounder Chavady,  
Tamil Nadu-641 112.

..Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 5 & 6, their officers, and servants to restrain from entering the petitioner's patta land, comprised in Survey No. 162/2B1 measuring 0.17 acres and prevent the movement of JCB vehicles on the petitioner's land, which is not a public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District until the disposal of the case before the National Green Tribunal, Chennai.



W.P.No. 19412 of 2025

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For Petitioner : Mr.R. Prabhakaran

For Respondents : Mr.T.K.Saravanan  
Additional Government Pleader

---

**ORDER**

This Writ Petition has been filed by the petitioner, seeking a writ in the nature of Mandamus, directing the respondents 5 and 6, their officers, and servants to restrain from entering the petitioner's patta land comprised in Survey No.162/2B1 measuring to an extent of 0.17 acres and to prevent the movement of JCB vehicles into the petitioner's land which is not a public road, located in the Revenue Village of Ettimadai, Madukkarai Taluk, Coimbatore District, until the disposal of the case before the National Green Tribunal, Chennai.

2. The petitioner has filed the present writ petition, objecting to the setting up of the proposed construction of a 6 SHPC-Dry Waste Proposal Project vide Report T.S.324/23-24 and T.S.No.325/23-24 issued by the 5th respondent, dated 13.03.2024, in respect of the Solid Waste Resource

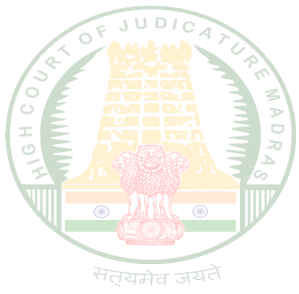


**W.P.No. 19412 of 2025**

Recovery Shed (2.00 MT) and associated infrastructure, such as a window pad with roofing (2.5 MT), at the Resource Recovery Park in Ettimadai Town Panchayat, Coimbatore.

3. It is the case of the petitioner that the project is planned on the land comprised in S.No.162/2A, which is classified as a water body (Neer Odai/Tharisu). The grievance of the petitioner is that his agricultural land in Survey No.162/2B1 adjoins the proposed project site and that the construction activities have already led to unauthorised entry upon his property, resulting in damage to the crops and infrastructure, including a culvert built by him. Despite his repeated objections and formal representations submitted by the local farmers and associations, the project has been proceeded without following any legal procedures, and till date, no steps have been taken by the competent authority concerned despite the representations. Hence this writ petition.

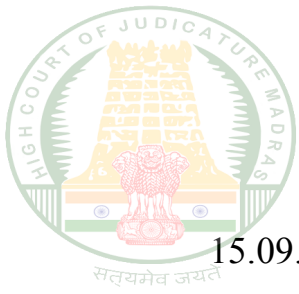
4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.



**W.P.No. 19412 of 2025**

5. The learned Counsel for the petitioner would submit that the land upon which the project is going to be implemented is, *Neer odai/ Tharisu*, and there are old age home and children home situated near to the project site. The petitioner is more concerned about the environmental disruptions and the well-being of the residents in the locality. According to the petitioner, in the guise of the implementation of a project, the officers and servants of the Ettimadai Town Panchayat have been causing interference with the peaceful possession and enjoyment of the petitioner of his agricultural land by entering into his land.

6. Mr.T.K. Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 6, on instructions from the 1st respondent – District Collector, would submit that the project land was originally classified as 'Tharisu land' and acceding to the request made by the local body concerned, the land was allotted to implement the project. The work on the project has already been started and it is in halfway. The learned Additional Government Pleader has also produced a photostat copy of the proceedings of the 1st respondent in Na.Ka.No.947/2022/Aa3, dated



W.P.No. 19412 of 2025

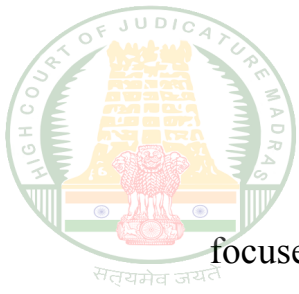
15.09.2023 and stated that the land upon which the solid waste resource recovery project was intended to be set up was originally classified as "tharisu land".

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7. The learned Additional Government Pleader would further submit that the project land is situated 2 km away from the residential area and no objections were received from any of the public till date and that the petitioner, who owns agricultural land near to the project land, had an apprehension that if the project is commenced, the market value of his land will get diminished. The petitioner wants to stall the public project as if his possession is being interfered with and has come forward with the present writ petition with ulterior motive and there would be no public interest is involved.

8. I have considered the rival submissions carefully.

9. The land on which the Solid Waste Resource Recovery Project is intended to be established, is said to be "Tharisu land". The project mainly



**W.P.No. 19412 of 2025**

focuses on minimising waste disposal in landfills by recovering usable materials and energy from solid waste. The project would only improve the public health and maintain a cleaner area with better sanitation.

10. On a careful perusal of the available records, particularly a photocopy of the report submitted by the local body before the National Green Tribunal, Southern Zone, Chennai, this Court is of the view that the land where the project is intended to be established, is situated 2 km away from the residential zone. The petitioner who owns agricultural land near the project land projects as if the project will have an impact on the environmental condition in the vicinity and the inmates of the old age home and the children home would get physically affected, as the segregation and disposal of solid waste at the site would create water and land pollution besides air pollution if the project is implemented.

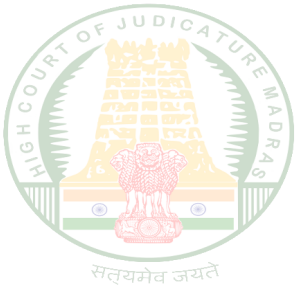
11. The main grievance of the petitioner, as seen from the affidavit, is that his agricultural lands are being spoiled by the officers and servants of the local body in the guise of the construction activities by entering into his



W.P.No. 19412 of 2025

lands and thereby causing interference with his peaceful possession and enjoyment of the land situated near to the project land.

12. No doubt, the project is only for the benefit of the public in the locality and the construction work for establishment of solid waste resource recovery has already been commenced and going to be completed and moreover, there are no objections from the public, except the representations of the petitioner, this Court finds no justification in the claim of the petitioner. The petitioner is unable to demonstrate before this Court in what way his possession was interfered with by the officers or servants of the local body concerned with specific instances and the extent of damages that were and are being caused to his agricultural land. The petitioner under the guise of raising a public health concern is, in fact, attempting to ventilate his personal grievance against the solid waste resource recovery project. If at all any interference is caused, it is needless to state that he can very well approach the civil Court having jurisdiction and seek appropriate relief in the manner known to law.



**W.P.No. 19412 of 2025**

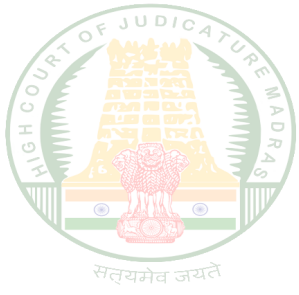
13. In the light of the above discussion, this Court is of the view that the petitioner is not entitled to any relief and the writ petition is liable only to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMP is closed.

**28.05.2025**

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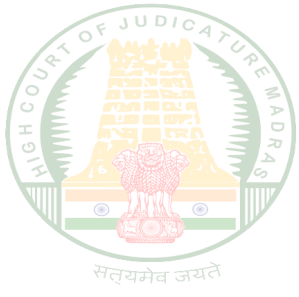
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**W.P.No. 19412 of 2025**

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W.P.No. 19412 of 2025

**T.V.THAMILSELVI, J**

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W.P.No. 19412 of 2025

28.05.2025

Page No.11 of 11