



W.P.(MD)No.10255 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.10255 of 2023

G.Thirumurugan @ Theeran Thirumurugan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 2.The Tahsildar,
Office of the Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.
- 3.The Block Development Officer,
The Block Development Office,
Rajasinga Mangalam,
RS Mangalam,
Ramanathapuram District.
- 4.The President,
Thirupalaikudi Village Panchayat,
RS.Mangalam Union,
Ramnad District.
(R4 is suo motu impleaded vide order dated
21.08.2023)

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to remove the accumulation of garbage wastes scattered in the Pudhukulam Kanmoi, Tirupalaikudi, RS Mangalam Taluk, Ramanathapuram District and to maintain the Pudhukulam Kanmoi free from any contamination or pollution and restore to its original position for free flow of freshwater by considering the petitioner's representation dated 13.01.2023 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents :Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The grievance of the petitioner is that Pudhukulam Kanmoi in Rajasingamangalam Village is being polluted by dumping garbage. The photographs have been produced before us substantiating the said allegation. We therefore *suo motu* impleaded the local body.

3. Today, when the matter was taken up for hearing, the president of the local body has filed an affidavit. Paragraph Nos.4, 5 & 6 of the affidavit read as follows:-



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“4. I humbly submit that I have been elected as Village President and from 2020 onwards, I am serving as Village President of Tirupalaikudi Village. Even before my tenure, the village people and the public dumped the garbage were accumulated in S.No.128 and it is understood that for approximately 20 years and above, the above place has been used for dumping the garbage.

5. I humbly submit that after inception of this writ petition, on 24.08.2023, the garbage found in S.No.128 has been cleared and removed. The revenue officials has identified another places 2kms away from the village of dumping the garbage. That apart, the flex board with warning message has been erected in the previous place where the garbage were dumped stating that penal actions will be taken in the event of dumping garbage.

6. I humbly submit that the village administration has effectively coordinated with the revenue officials and closely monitoring to prevent any further dumping of garbage in S.No.128 situated at Tirupalaikudi Village. It is pertinent to state that only tricycles in good condition is available with the village office for effective management of garbage and waste. The above facility is in-adequate for the effective management of garbage and waste and I have also made request to the officials concern for providing adequate vehicle in support for garbage and waste management. I undertake to state that the village administration will not allow anybody else to dump the garbage in S.No.128 of Tirupalaikudi Village and the water body is maintained as such.”

4. Recording the submission made above, we direct the respondents to ensure that Pudhukulam Kanmoi in Survey No.128 is totally kept free of any kind of encroachment or pollution. The respondents are also directed to ensure



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that the garbage dumped at the newly identified site does not pose any health

hazard. The respondents shall also devise proper methods of disposal.

5. The Writ Petition is disposed of accordingly. No costs.

[G.R.S., J.] [B.P., J.]
04.09.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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