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W.P.(MD)NO.25543 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.25543 & 25544 of 2023 AND
W.M.P.(MD)Nos.21723 & 21724 of 2023

S.Ramesh Kumar

... Petitioner
in W.P.(MD)No.25543 of 2023

P.Vijayakumar

... Petitioner
in W.P.(MD)No.25544 of 2023

Vs.

1. The District Collector,
Madurai District.
2. The Assistant Director(Panchayat),
Madurai District Collector Office Campus,
Madurai.
3. The Block Development Officer(Panchayat),
Madurai East Union,
Near Tallakulam Police Station,
Madurai.
4. The President,
Narasingham Panchayat,
Madurai East Panchayat Union,
Madurai District.

... Respondents
in both W.Ps.

Prayer in W.P.(MD)No.25543 of 2023: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to forbear the



2nd respondent from putting up construction of garbage yard in the road margin / paramboke land, adjoining petitioner's building in Plot Nos.3 and 4, situated in S. No.134/10 in Narasingam 4th Bit Village, Madurai District.

Prayer in W.P.(MD)No.25544 of 2023: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to forbear the 2nd respondent from putting up construction of garbage yard in the road margin / paramboke land, adjoining petitioner's building in Plot Nos.2 and 2A, situated in S. No.134/10 in Narasingam 4th Bit Village, Madurai District.

(in both W.Ps.)

For Petitioner : Mr.R.Suriya Narayanan

For R-1 & R-2 : Mr.C.Satheesh,
Government Advocate.

For R-3 & R-4 : Mr.M.Ramesh,
Government Advocate.

* * *

COMMON ORDER

Heard both sides.

2. The local body proposes to construct a garbage yard in the petition-mentioned survey number. Contending that it



would pose health hazard to them, the petitioners have filed the present writ petitions for forbearing the second respondent from doing so.

3. In matters such as this, the choice of site selection must be rather left to the executive. I am satisfied that the petitioners are not residing in the adjacent site. However, to address the concerns of the petitioners, the respondents are directed to locate the landfill site as far as possible away from the petitioners' godown. In other words, the landfill site can be rather located as near as possible to the burial ground.

4. Rule 15 of the Solid Waste Management Rules casts responsibility on the village panchayats. It specifically mandates that the arrangement should be made for door to door segregated solid waste from households. The individual houses must be directed to segregate biodegradable waste and non-biodegradable waste. If any household is found violating this direction, appropriate action can very well be taken against them. The garbage yard shall be maintained in such a manner as to ensure that no health hazard emanates



therefrom. These writ petitions stand disposed of accordingly.

No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2023

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

Note : Issue order copy on 06.11.2023.



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W.P.(MD)NO.25543 OF 2023

G.R.SWAMINATHAN,J.

PMU

To:

1. The District Collector,
Madurai District.
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Madurai.
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W.P.(MD)No.25543 of 2023

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