

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9824 of 2015
and M.P.Nos.1 & 2 of 2015

N.Ravi
Power of Attorney
rep.by his agent of Mr.S.Balaji.

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Kancheepuram.

2.The Commissioner,
Pammal Municipality,
Alandur (Taluk),
Kancheepuram.

.... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents in order to clear the tons and tons of garbage which is being deposited for years together in the property comprised in Plot 5 in paimash Nos.1050, 1055, 1056, Old Survey No.152/1, Patta No.1293, New Survey No.152/2, situated at Pammal Village, Tambaram Taluk admeasuring an extent of 4730 sq.ft. within Sub Registration District of Pammal, based on the representation dated 09.03.2015.

For Petitioner : Mr.E.Martin Jaya Kumar
For Respondents : Mr.R.Vijaya Kumar
Additional Government Pleader.

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that he is the Power of Attorney Agent to Mr.S.Balaji, who is the absolute owner of the property comprised in Plot No.5 in paimash Nos.1050, 1055, 1056, Old Survey No.152/1, Patta No.1293, New Survey No.152/2, situated at Pammal Village, Tambaram Taluk, admeasuring an extent of 4730 sq.ft., and

the petitioner claims ownership on the ground of intestate succession, due to the demise of his parents on 29.01.1993 and 07.01.2005 respectively.

3.The grievance expressed by the petitioner is that though it is a private property, the second respondent/Pammal Municipality is dumping the garbage into his property, thereby causing grave hardship, serious health problems and mental agony to him. In this regard, he had submitted a representation on 09.03.2015 to the respondents and inspite of the receipt of the same, no response is forthcoming and therefore the petitioner came forward to file this Writ Petition.

4. Heard the submissions of Mr.R.Vijaya Kumar, learned Additional Government Pleader, who accepts notice for the respondents.

5. Perusal of the typed set of documents, would disclose that neither the postal receipt nor the acknowledgment is available for having sent the representations to the respondents. However, taking into consideration the grievances expressed by the petitioner, this Court grants liberty to the petitioner to submit one more representation to the respondents enclosing a copy of his earlier representation dated 09.03.2015 within a period of two weeks from today and the respondents on receipt of the same are directed to consider and dispose of the representation on merits and in accordance with law, within a period of four weeks, thereafter and communicate the decision to the petitioner.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ars/ds

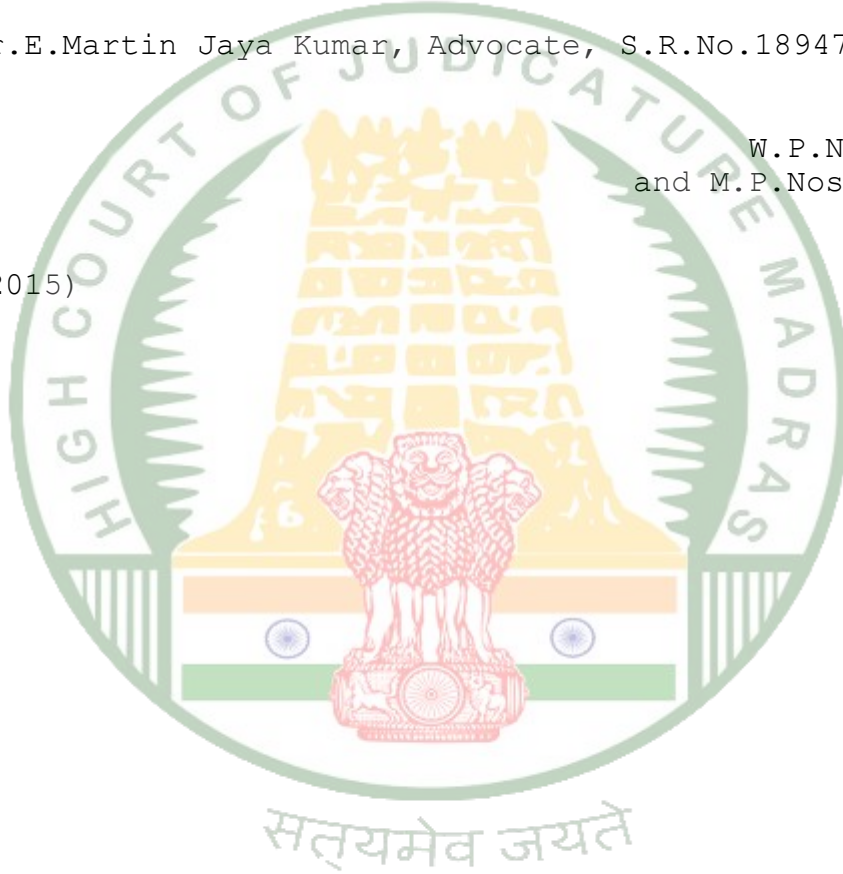
To

1. The District Collector,
Office of the District Collector,
Kancheepuram.
2. The Commissioner,
Pammal Municipality,
Alandur (Taluk),
Kancheepuram.

+1cc to Mr.E.Martin Jaya Kumar, Advocate, S.R.No.18947

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SCD(CO)
CA(10/04/2015)



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