

In the High Court of Judicature at Madras

Dated: 30.03.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

Writ Petition No. 16725 of 2012
and M.P. No.1 of 2012

1. A. Raja
2. A.S. Krishnaveni
3. Mahendran
4. S. Kamatchi
5. M. Ayyavu
6. V.R. Viswanathan
7. M. Kasthuri Raj
8. A. Selvam
9. Batmarathi
10. A.R. Vijay Lakshmi
11. M. Elizabeth Mery
12. Kuppuraaja Naidu
13. K. Vimala
14. S. Manju
15. M. Kannammal
16. A. Saroja
17. S. Gandhimathi
18. Palaniyammal
19. P. Santha
20. B. Akila

.. Petitioners

vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government
Department of Local Administration
Fort St. George, Chennai-9.
2. The District Collector
Erode District
Erode - 638 011.
3. The Executive Officer
Lakkampatti Town Panchayat
Lakkampatti
Gobichettipalayam Taluk
Erode District.

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4. The President

Lakkampatti Town Panchayat
Lakkampatti
Gobichettipalayam Taluk
Erode District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from converting the place measuring 13095 sq.ft. in S.F.Nos.222/1 and 222/2 at Thillai Nagar, Lakkampatti Village, Erode District, earmarked as a reserve site for public purpose in the layout plan approval as a dumping yard in violation of the conditions inbuilt in the plan approval and in view of the decision reported in 1995 (1) SCC 47, by considering the representation dated 14.06.2012.

For Petitioners : Mr. N. Manokaran
For Respondents : Mr. S.T.S. Murthi
Govt. Pleader.

O R D E R

(Made by The Hon'ble The Chief Justice)

The grievance of the petitioners is that the land in proximity to their residence, earmarked as a reserve site for public purpose, is sought to be used for dumping yard.

2. The counter affidavit of the third and fourth respondents representing the Panchayat is that the land was earmarked for Solid Waste Management Project on account of absence of other land (this position is disputed by the learned counsel for the petitioner, as the same Project was functioning from elsewhere). The said respondents also state that the initial work was completed in the year 2005, but the petitioners, who objected to it, have approached this Court in the year 2012.

3. After some arguments, learned counsel for the petitioners confines his grievance to the second respondent/District Collector examining the Project for Solid Waste Management qua its location in the plot in question or whether it should be located elsewhere according to what the petitioners plead. Learned counsel for the petitioners states that the petitioners would be satisfied if the second respondent would examine the issue taking into consideration the inconvenience of the residents in proximity to the plot and the suitability of having Solid Waste Management Project located at some distance from the residential area.

4. We consider the aforesaid as fair solution and thus, we direct the second respondent to re-examine the issue of location of the project at the given site and take a considered decision after notice to all concerned within a maximum period of two months from the receipt of the order.

5. The writ petition accordingly stands disposed of. No costs. Consequently, M.P. No.1 of 2012 is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

Copies to;

1. The Secretary to Government
Government of Tamil Nadu
Department of Local Administration
Fort St. George, Chennai-9.
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Erode District
Erode - 638 011.
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4. The President
Lakkampatti Town Panchayat
Lakkampatti
Gobichettpalayam Taluk
Erode District.

+1 cc to Mr.N.Manokaran, Advocate, SR.17905.

+1 cc to Government Pleader, SR.17823.

br(co)
krd 10/4

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