

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2016

CORAM

The Hon'ble Mr. Justice N. KIRUBAKARAN

W.P.No.17750 of 2016

and

WMP No.15432 of 2016

Ranganathan @ Ranga

..... Petitioner

vs

1. The District Collector,
Thiruvallur District,
Collectrate Office Thiruvallur
2. The Block Development Officer,
Kattupalli Village Panchayat &
Nandiyambakkam Village Panchayat,
Minjur Panchayat,
Ponneri Taluk,
Thiruvallur District
3. The President,
Kattupalli Panchayat,
Cheppakkam Village,
Kattupalli Panchayat,
Ponneri Post,
Thiruvallur District
4. NDR Infrastructure Container & Freibht Station,
rep by its Managing Director,
Nandiyambakkam via,
Cheppakkam Village Road,
Nandiyambakkam Post,
Ponneri Talk,
Thiruvallur District - 600 120

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the first respondent to take action on the petitioner's representations dated 04.04.2016 and 02.05.2016 against the fourth respondent and prevent the fourth respondent from using the lorries and containers in the mud road situated at

Cheppakkam Village, Kattupalli Panchayat, Ponneri Post,
Thiruvallur District.

For petitioner : Mr.S. Venkatesh
For respondents: Mr.P.V. Selvakumar
Standing Counsel

ORDER

The petitioner has filed the writ petition to issue a Writ of Mandamus directing the first respondent to take action on the petitioner's representations dated 04.04.2016 and 02.05.2016 against the fourth respondent and prevent the fourth respondent from using the lorries and containers in the mud road situated at Cheppakkam Village, Kattupalli Panchayat, Ponneri Post, Thiruvallur District.

2. The petitioner is a resident of Cheppakkam village, Kattupalli Panchayat, Ponneri Post, Thiruvallur District. There are about 150 families residing in the said village. The village is connected by a mud road with the main road, which is 2 kms length and 8 feet wide.

3. In the first week of April 2016, the fourth respondent viz., NDR Infrastructure Container & Freight Station, a Container Company, established a Container Terminal, 2 kms away from the village of the petitioner. Instead of going through the main road, the container lorries are using the mud road, connecting the petitioner's village to the main road, causing disturbance to the families of the village and threatening the safety and security of the children as well as other people.

4. Right from morning to evening and some times even in the mid-night, movement of the vehicles cause vibrations, which also create cracks in the houses situated in the village. Because of the nuisance caused by the movement of the container lorries, the petitioner has given representations on 04.04.2016 and again on 02.05.2016 to the first respondent and inspite of the representations, the first respondent has not taken any action against the fourth respondent to stop the movement of the container lorries through the mud road.

5. Heard Mr.S. Venkatesh, learned counsel appearing for the petitioner and Mr.P.V. Selvakumar, learned Standing Counsel, appearing for the respondents 1 to 3.

6. This Court has also seen the photographs, annexed with the writ petition, where the container terminal is situated and

the movement of container- mounted lorries. Such big vehicles, passing through the village, is definitely capable of causing nuisance and vibration, affecting safety and security of the villagers.

7. Taking into consideration the facts and circumstances of the case, it is appropriate to direct the first respondent to consider the petitioner's representations with regard to taking of action against the fourth respondent. Accordingly, the first respondent is directed to consider the petitioner's representations dated 04.04.2016 and 02.05.2016 and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order. With these observations, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

-s/d-

Assistant Registrar(CSIV)

True Copy

Sub-Assistant Registrar

sr

To

1. The District Collector,
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Collectrate Office Thiruvallur
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Minjur Panchayat,
Ponneri Taluk,
Thiruvallur District
3. The President,
Kattupalli Panchayat,
Cheppakkam Village,
Kattupalli Panchayat,
Ponneri Post,
Thiruvallur District

+1 cc to Government Pleader sr.28658/16

+1 cc to Mr.S.Venkatesh Advocate sr.28279/16

WP.No.17750/2016

vgl(co)

aa01/06/2016