

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM :

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.31731 of 2017
and W.M.P.No.34877 of 2017

1.Vijayalakshmi
2.M.Ramalingam
3.N.A.Umamaheswari

.. Petitioners

vs.

1. The District Collector,
Thiruvallur District.
2. The Commissioner,
Avadi Municipality Office,
Avadi, Chennai.
3. The Special Officer,
Avadi Municipality Office,
Avadi, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, directing the 2nd respondent to consider petitioner's representation dated 03.10.2017 and further forbear the 2nd respondent from construction of garbage dumping yard in the pre-existing place of sewerage pumping station cum sewerage exit point by demolishing the same without public consultation or public notice situated at Tamil Nadu Housing Board, Avadi, Chennai - 600 054.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents: Mr.T.N.Rajagopalan

Government Pleader (I/C) (For R1)

Mr.P.Srinivas (For R2 & R3)

O R D E R

(Order of this Court made by T.S.Sivagnanam,J.)

The petitioners who were the residents of Avadi had filed this writ petition designed as Public Interest Litigation and pray for a direction to forbear the second respondent from constructing a garbage dumping yard.

2.In the affidavit filed in support of the writ petition, the petitioners would state that the proposed garbage dumping yard is to be located in the midst of residential locality which is thickly populated and the public of that area agitated and conducted a road roko which was widely reported in the press. Earlier one Mr.Vijayakumar filed a writ petition in W.P.No.26929 of 2017 which was disposed of by the Division Bench of this Court by order dated 20.10.2017, directing the Commissioner, Avadi Municipality to consider the representation within a time frame. The petitioners' grievance is that in spite of such direction, the Municipality has not initiated any action. In any event, the allegation being nuisance to the public, in the fitness of things, it would be better to direct the first respondent to consider the representation and take a decision on merits and in accordance with law.

3.Accordingly, the writ petition is disposed of by directing the petitioners to submit a fresh representation to the first respondent along with a copy of this order as well as the earlier order which shall be considered by the first respondent on merits and in accordance with law within a period of two weeks from the date on which a fresh representation is submitted after issuing notice to the Commissioner, Avadi Municipality to take an appropriate decision in the matter. The first respondent/District Collector can depute one of his officials to cause inspection of the area and then take a decision. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

cse

To

- 1.The District Collector,
Thiruvallur District.
- 2.The Commissioner,
Avadi Municipality Office,
Avadi, Chennai.

3.The Special Officer,
Avadi Municipality Office,
Avadi, Chennai.

+1 CC to Mr.T.Sivagnanasambandan, Advocate sr 87335.
+1 Cc to Govt. Pleader sr 87452.

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SP(19/12/2017)



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