

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2017

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.2349 of 2011

& M.P.No.1 of 2011

P.Guruswamy ... Petitioner

- Vs -

1. The District Collector
Kancheepuram & District.

2.The Chairman
Madipakkam Town Panchayat,
Kancheepuram District. ... Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the 2nd respondent from dumping garbage in the petitioner's house site bearing House site No.1039(Part) in Ram Nagar layout, comprised in Old Survey No.86, New Survey No.119/2, in Moolakothalam varisai Paimash No.32/1 and 32/2, New Patta No.3022, Madipakkam Village, Kancheepuram District in violation of Rule 7 of the Municipal Solid Wastes [Management and Handling] Rules forthwith; directing the second respondent to pay a just and reasonable amount as compensation to the petitioner for the damage caused to his above said housing plot so as to undo the damage and restore the same.

For Petitioner : Mr.S.Sathia Chandran
For Respondents : Mr.L.S.M.Hasan Fizal, GA

ORDER

The petitioner has filed the present writ petition seeking a writ of mandamus to forbear the respondents from dumping garbage in his house site as set out in the prayer supra.

2. When the writ petition was taken up for hearing,

learned Government Advocate places the letter dated 02.01.2017 and states that the garbage collected from the entire Madipakkam area was taken to Perungudi dumping ground and there is no garbage dumping in Madipakkam. It is further submitted that the location of the petitioner's site is a low lying area and water stagnation had occurred only during the recent Varadah cyclone and had shown the photographs to that effect.

3. In view of the aforesaid submissions made by the learned Government Advocate, this Court is of the view that nothing survives further for adjudication in this matter. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smi

To,

1. The District Collector
Kancheepuram & District.

2. The Chairman
Madipakkam Town Panchayat,
Kancheepuram District.

+1cc to Mr.s. Sathia Chandran, Advocate, S.R.No.851

+1cc to the Government Pleader, S.R.No.748

ug(CO)
md(01/02/2017)

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