

In the High Court of Judicature at Madras

Dated : 20.10.2017

Coram

The Honourable Mr. Justice M.M. SUNDRESH
and

The Hon'ble Mr. Justice M. SUNDAR

Writ Petition No.26930 of 2017
and WMP No.28708 of 2017

G.S. Parthasarathy

.. Petitioner

..vs..

1. The District Collector,
Thiruvallore District

2. The Commissioner,
Avadi Municipality Office,
Avadi, Chennai

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

4. The Department of Public Works,
Avadi Municipality Office,
Avadi, Chennai

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 22.09.2017 and further forbear the second respondent from Construction of Garbage Dumping Yard in the Pre-Existing place of Cremation Shed together with Grave Yard by demolishing the same without Public Consultation or Public Notice situated at Govardhanagiri Village, Avadi, Chennai - 600 071.

For petitioner : Mr. John J. Raja Singh for
Mr. S. Silambu Selvan

For Respondent-1: Ms. Vasutha Thiagarajan
AGP

ORDER

(Order of the court was delivered by M. SUNDAR, J.,)

This writ petition has been filed as Public Interest Litigation.

2. The subject matter of this writ petition is land admeasuring an extent of 2 ½ acres at the end of Bharathisan Street in Govardhanagiri Village, Avadi, Chennai-600 071 (hereinafter referred to as "said land" for the sake of brevity, clarity and convenience).

3. We are informed that said land is within the territorial limits of Avadi Municipality. It is the complaint of the writ petitioner that the said land was hitherto used as a burial ground and that the Avadi Municipality has recently demolished the structures in the burial ground for the purpose of converting the same into a Garbage Dumping Yard. It is submitted before us at the time of hearing that the aforesaid demolition and proposed conversion is being done without hearing the local populace/without public hearing.

4. The learned counsel for the petitioner submitted that he would be satisfied if the second respondent is directed to dispose of the representation of the petitioner dated 22.09.2017, which is filed as part of the typed set of papers and is at page No.1 of the typed set of papers, within a time frame.

5. Considering the nature of the plea and the submissions made before us, we direct the second respondent i.e., the Commissioner, Avadi Municipality to dispose of the above representation of the petitioner dated 22.09.2017 in a manner known to law within a period of eight weeks from the date of receipt of a copy of this order, after putting on notice to all concerned in a manner deemed appropriate by respondent No.2. With the above direction, the writ petition is disposed of. No costs. Consequently, connected WMP is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sr

To

1. The District Collector,
Thiruvallore District
2. The Commissioner,
Avadi Municipality Office,
Avadi, Chennai
3. The Special Officer,
Avadi Municipality Office,
Avadi, Chennai
4. The Department of Public Works,
Avadi Municipality Office,
Avadi, Chennai

+ 1 cc to Mr.S. Silambu Selvan, Advocate SR.74250
+ 1 c to Mr.P. Srinivas, Advocate SR.74607
+ 1 cc to Government Pleader Sr.74328

W.P.No.26930 of 2017

AD(CO)
EU(16/11/2017)



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