

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2017

CORAM:

The Hon'ble Mr.Justice M.M.SUNDRESH

W.P.No.42636 of 2016  
W.M.P.No. 36554 of 2016

Meenadshi

.. Petitioner

Vs.

1. The District Collector,  
Perambalur District,  
Perambalur.

2. The Commissioner,  
Perambalur Municipality,  
Perambalur, Perambalur District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents 1 and 2 not to use the petitioner's lands in Patta No.695 in Survey Nos.224/5, 224/6, 224/7 and 74/1 to dump the garbage collected from Perambalur town and to remove the garbage already dumped there.

For Petitioner ... Mr.R.Asaithambi

For Respondents .. Mr.S.Diwakar,  
Spl. Govt. Pleader for R1  
Mr.R.Govindasamy for R2

ORDER

The matter lies in a very narrow compass. The grievance of the petitioner appears to be on the action of the second respondent in dumping the garbage into her private land.

2.Learned counsel appearing for the second respondent would submit that the garbage has been removed fully whereas the learned counsel for the petitioner states that it is only a partial one.

3.The fact remains that some garbage has been removed. The question as to whether there is still some garbage yet to be

removed from the land of the petitioner or not being a disputed one cannot be gone into by this Court. Suffice it to direct the second respondent to visit the property in question after due notice to the petitioner, make a measurement with reference to the documents such as sale deed etc., and if any garbage is found still in the patta land of the petitioner, take appropriate action to remove the same. Needful will have to be done within a period of eight weeks from the date of receipt of a copy of this order, in the presence of the petitioner.

4.The writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

mmi

To

1. The District Collector,  
Perambalur District,  
Perambalur.
2. The Commissioner,  
Perambalur Municipality,  
Perambalur, Perambalur District.

+1cc to M/S. R. Govindasamy, Advocate Sr. 19695

+1cc to the Government Pleader, Sr. 20213

W.P.No.42636 of 2016

NR II (CO)  
VR(28/4/2017)

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