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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.5598 of 2017
and
W.M.P. (MD) .No.4484 of 2017

M.Marutharaj

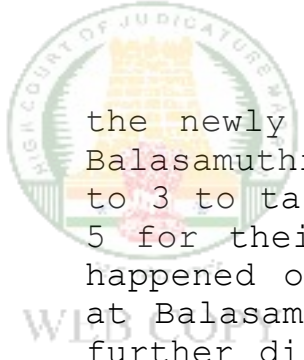
.. Petitioner

Vs.

1. The Govt. of Tamil Nadu,
Rep. by its Secretary,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai - 600 009.
2. The Director of Town Panchayats,
4th Floor, Kuralagam Buildings,
Chennai - 600 108.
3. The District Collector,
Dindigul District,
Dindigul.
4. The Assistant Director of Town Panchayat,
Dindigul District, Dindigul.
5. The Executive Officer,
Balasamuthram Town Panchayat,
Palani Taluk, Dindigul District - 624 610.
6. The District Fire Officer,
Fire & Rescue Services Department,
Dindigul District - 624 004.
7. The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to prohibit and prevent the dumping and burning of solid waste by the 5th respondent Town Panchayat in Survey No.3, in Ward No.11 and direct them to dump and burn the solid waste in



the newly assigned waste yard at Survey No.734 in Ward No.9 of Balasamuthram Town Panchayat and further direct the respondents 1 to 3 to take appropriate legal actions against the respondents 4 & 5 for their willful negligence for the major fire accident that happened on 07.09.2016 in the 5th respondent's waste dumping yard at Balasamuthram Town Panchayat at Survey No.3 in Ward No.11 and further direct the respondents 1 to 3 to compensate the family of the deceased and the victims who have lost their properties and to direct the 7th respondent to complete the investigation and file final report in Crime No.387/2016 in accordance with law within a time frame as fixed by this Court

For petitioner : Mr.A.Kannan

For respondents Nos.1 to 4
and 6 & 7 : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

For respondent No.5 : Mr.S.Chandrasekar

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

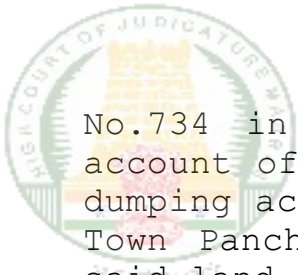
The petitioner filed this Writ Petition with a grievance that the fifth respondent has been dumping wastes and other materials at Survey No.3 in Ward No.11, Balasamuthram Town Panchayat.

2. According to the petitioner, there was a fire incident on account of dumping, which took the life of a local man and injuries to several others. The petitioner, therefore, wanted the fifth respondent not to use the land for dumping garbage and other wastes.

3.The counter affidavit filed by the Executive Officer, Balasamuthram Town Panchayat, the fifth respondent herein, indicates that the Selection Grade Town Panchayat shifted the dumping of wastage from Survey No.3 in Ward No.11, Balasamuthram Town Panchayat to Survey No.734 situated in 9th Ward, where they have taken 1.83 acres of land and it is maintained as "Resource Redeem Park".

4. The learned counsel for the petitioner contended that even now, the said land is used only for dumping garbage and the contra contention taken by the local body has no basis.

<https://hcservices.ecourts.gov.in/hcservices/> The materials placed on record indicate that the fifth respondent has already shifted the dumping garbage yard from Survey No.3 in Ward No.11, Balasamuthram Town Panchayat to Survey



No.734 in 9th Ward. The bone of contention appears to be on account of non-use of the land and the act of others using it for dumping activities. Since the land belongs to the Selection Grade Town Panchayat, nothing prevented the local body from using the said land for any other public purpose.

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6. We direct the Executive Officer, Selection Grade Town Panchayat, Balasumudram, Palani Taluk, to take physical possession of the said land, put up a compound wall and use the same for public purpose of the Town Panchayat. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary Rural Development and Panchayat Raj Department,
The Govt. of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Director of Town Panchayats,
4th Floor, Kuralagam, Buildings,
Chennai - 600 108.
3. The District Collector,
Dindigul District,
Dindigul.
4. The Assistant Director of Town Panchayat,
Dindigul District,
Dindigul.
5. The Executive Officer,
Balasamuthram Town Panchayat,
Palani Taluk,
Dindigul District - 624 610.
6. The District Fire Officer,
Dindigul District - 624 004.



7. The Sub-Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

+1cc to Mr.A.Kannan, Advocate in SR.No.69983

+1cc to The Special Government Pleader in SR.No.70964

NB

AE/SKN RSK/SAR2/17.08.2017/4P/10C

ORDER MADE IN
W.P. (MD) No.5598 of 2017
03.08.2017