

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No. 15539 of 2018

And

W.M.P.No. 18439 of 2018

C.Vathsala

..Petitioner

Vs

1. The District Collector,
Cuddalore District,
Collectorate,
Gundu Salai Road,
Cuddalore - 607 001.
2. The District Revenue Officer,
Cuddalore District,
Collectorate,
Gundu Salai Road
Cuddalore - 607 001
3. The Special Deputy Collector (GDP)
Collectorate,
Cuddalore.
4. The Executive Officer,
Municipal Office,
Kattumannarkoil.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petition of the petitioner dated 04.12.2017 and dispose of the same

For Petitioner : Ms.R.Revathy
for M/s.Black N Red Law Associates.

For Respondents : Mr.R.S.Selvam
Governemt Advocate
For R1 & R3
Mr.K.T.Devendran
For R4

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the petition submitted by the writ petitioner dated 04.12.2017 and dispose of the same within the time frame.

2. The grievance of the writ petitioner is that the respondent-Town Panchayat is illegally dumping the garbage and waste goods in the land belongs to the writ petitioner. The writ petitioner has not given any permission or consent to use his land as Waste Dump Yard. However, the Town Panchayat has illegally misused the land belongs to the writ petitioner.

3. The learned Government Advocate, appearing on behalf of the respondents 1 to 3 and the learned counsel, appearing on behalf of the fourth respondent, have now brought to the notice of this Court that the garbages dumped in the land belongs to the writ petitioner were removed and therefore, the grievance of the writ petitioner is redressed.

4. The learned Government Advocate, appearing on behalf of the respondents 1 to 3 and the learned counsel, appearing on behalf of the fourth respondent, further states that all along for the past two years, the Town Panchayat is dumping the garbages in the land belongs to the writ petitioner.

5. Thus, the writ petitioner is entitled for a compensation. In this regard, the writ petitioner is permitted to submit a representation to the Executive Officer, Town Panchayat and in the event of submitting any such representation, the Executive Officer, Town Panchayat is bound to consider the same and fix such a compensation in commensurate with the rental rate prevailing in that area and pay the same to the writ petitioner in order to compensate the loss caused to him. However, it is made clear the the respondent-Town Panchayat should not dump the garbage or the wastage items inside the premises of the writ petitioner and if any garbage is still to be removed, the same also to be done within a period of four weeks from the date of receipt of a copy of this order.

6. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

Svn/kmm

To

1. The District Collector,
Cuddalore District,
Collectorate,
Gundu Salai Road,
Cuddalore - 607001
2. The District Revenue Officer,
Cuddalore District
Collectorate,
Gundu Salai Road,
Cuddalore - 607001
3. The Special Deputy Collector (GDP)
Collectorate,
Cuddalore.
4. The Executive Officer,
Municipal Office,
Kattumannarkoil.

+1cc to M/s.Black and Red Law Associates, Advocate, S.R.No.64278

W.P.No. 15539 of 2018

rrs 26/09/2018



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