



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.7367 of 2011

P.Nachimuthu

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Kancheepuram,
Kancheepuram District.

2. The Municipal Commissioner,
Alandur Municipality,
Alandur,
Chennai - 600 016.
Kancheepuram District.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the second respondent to remove the dump yard put up in the petitioner's property bearing Survey No.220/12, Adambakkam Village, Kancheepuram District.

For Petitioner : M/s.K.Selvaraj

For Respondent

No.1 : M/s.M.Rajendiran

Additional Government Pleader

For Respondent

No.2 : No appearance

O R D E R

The petitioner is a resident of Nanganallur under the second respondent municipality. The second respondent put up a temporary dumping yard adjacent to the petitioner's house situated in S.No.220/12 in New Colony Area, Adambakkam Village. Therefore, the petitioner made a representation to remove the dump yard and shift it to some other place as it caused nuisance and health issues. The petitioner is 86 years old and he was put to severe physical and mental agony. This request was considered by the second respondent by way of letter in Na.Ka.No.7204/09/H1, dated 01.04.2010 and an assurance was given



that they will not accumulate the garbage and monitor the removal of the same. Challenging the same, the petitioner has come before this Court.

2. When the matter is taken up for final hearing, the learned counsel for the petitioner would submit that the dump yard is still remaining there causing ailments, physical discomfort and other nuisance to the petitioner and would submit that the dumping yard near to the house is unbearable. It is noted that the petitioner is 86 years old and is a senior citizen and the dumping yard garbage would definitely is a matter of concern.

3. Considering the facts and circumstances of the case and the representations given by the petitioner dated 16.08.2010 and 20.01.2011, a direction is given to the first respondent to consider the representations and pass appropriate orders in accordance with law within a period of eight (8) weeks from the date of receipt of copy of this order.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,Kancheepuram,
Kancheepuram District.
2. The Municipal Commissioner,
Alandur Municipality,
Alandur, Chennai - 600 016.
Kancheepuram District.

+1cc to M/s.K.Selvaraj, Advocate, S.R.No.20984
+1cc to the Government Pleader, S.R.No. 21689

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NSK 20/04/2022