



WEB COPY



W.P.No.22022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22022 of 2023

and

WMP.No.21392 of 2023

Krishna Nagar Residents Welfare Association-Kelambakkam
Rep.by its Secretary M.Velu
Plot Nos.7 & 8, Krishna Nagar Main Street
Kelambakkam, Chengalpattu District.

...Petitioner

Vs.

- 1.The District Collector
Collector Office
GST Road, Chengalpattu 603 001.
- 2.The Deputy Director of Health Services
JCK Nagar, Chengalpattu 603 103.
- 3.The Tahsildar
Vandalur Taluk Office, Otteri
Peerankaranai
Tamil Nadu 600 048.
- 4.The Block Development Officer
Thiruporur, Chennai 603 110.
- 5.The President
Kelambakkam Panchayat
Near Government Hospital
Kelambakkam 603 103.

...Respondents



W.P.No.22022 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the official respondents to shift the Solid Waste Management Project functioning at SF.No.292, Sathankuppam Village, Kelambakkam to any other place other than the residential areas of Krishna Nagar, Palani Kudiyiruppu and Rainbow Colony at Kelambakkam.

For Petitioner : Mr.J.Pothiraj

For Respondents : Mr.R.U.Dinesh Rajkumar for R1 to R3
Additional Government Pleader
Ms.Amirtha Dinakaran for R4 & R5

ORDER

The petitioner seeks a direction to the official respondents to shift the Solid Waste Management facility functioning at SF.No.292, Sathankuppam Village, Kelambakkam, Chengalpattu District.

2. The petitioner is a resident association. It is the case of the petitioner that the fifth respondent's Panchayat is maintaining Solid Waste Management facility in S.F.No.292 Sathankuppam Village, which is very near to the residential area of Krishna Nagar, Palani Kudiyiruppur and Rainbow Colony.



W.P.No.22022 of 2023

WEB COPY

3. It is further stated by the petitioner that the Solid Wastes are disposed in that place in unscientific manner and cause environmental pollution. Aggrieved by the same, the petitioner's association submitted a representation to the respondents 1 & 5 seeking their intervention for shifting of the facility to avoid health hazards to the residents of the association.

4. The main grievance of the petitioner is that the representation submitted by the petitioner's association has not been considered by the Authorities and it resulted in health hazards to the residents of the members of the association. Though the petitioner sought for a direction to the respondents to shift the Solid Waste facility, during arguments, the learned counsel for the petitioner confined his argument to the effect that if a direction is issued to the fourth respondent to consider the representation of the petitioner in accordance with law, the petitioner will be satisfied.

5. In view of the limited prayer made by the petitioner, without expressing any opinion on the claim made by the petitioner, this Court is inclined to issue a direction to the fifth respondent to forward the



W.P.No.22022 of 2023

representation of the petitioner dated 29.05.2023 to the fourth respondent within a period of two weeks from the date of receipt of copy of this order.

The fourth respondent in turn after issuing a notice to the interested parties and in consultation with the District Environmental Engineer, Tamil Nadu Pollution Control Board, shall consider the representation of the petitioner and pass final orders on merits in accordance with law, within a period of six weeks thereafter. It is needless to say that the petitioner is entitled to submit necessary documents to substantiate his claim before the fourth respondent.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

27.07.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
dna



W.P.No.22022 of 2023

WEB COPY

To

- 1.The District Collector
Collector Office
GST Road, Chengalpattu 603 001.
- 2.The Deputy Director of Health Services
JCK Nagar, Chengalpattu 603 103.
- 3.The Tahsildar
Vandalur Taluk Office, Otteri
Peerkankaranai
Tamil Nadu 600 048.
- 4.The Block Development Officer
Thiruporur, Chennai 603 110.
- 5.The President
Kelambakkam Panchayat
Near Government Hospital
Kelambakkam 603 103.



WEB COPY



W.P.No.22022 of 2023

S.SOUNTHAR, J.
dna

W.P No.22022 of 2023
and
WMP.No.21392 of 2023

27.07.2023