



W.P(MD)No.7552 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7552 of 2015
and
W.M.P(MD)Nos.1 & 2 of 2015

Paranjothi

... Petitioner

Vs

1.The Regional Director,
Municipal Administration,
Salem.

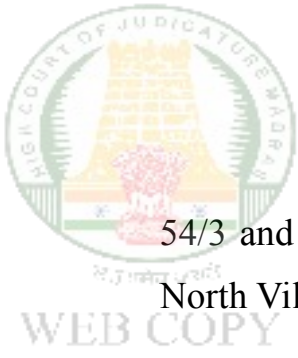
2.The Revenue Divisional Officer,
Kulithalai Division,
Kulithalai.

3.The President,
R,926 Kulithalai Co-operative Housing Society,
Kulithalai.

4.The Commissioner,
Kulithalai Municipality,
Kulithalai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the fourth respondent not to dump wastage, garbage etc., in Ac.0.15 cents out of Ac.1.19 cents in S.F.No.



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54/3 and in Ac.0.10 cents out of Ac.0.61 cents in S.F.No. 54/4 of Vaigainallur North Village, Kulithalai Taluk, Karur District.

For Petitioner : No Appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 & R.2

No Appearance for R.3 & R.4

ORDER

None appears for the writ petitioner.

2. The petitioner is a resident of Anna Nagar, Kulithalai in Karur District. The grievance of the petitioner is that in the petition mentioned site that has been earmarked as park, municipal waste is being dumped. He complains that this attracts stray animals and is causing great environmental pollution. Photographs enclosed in the typed set of papers confirm the allegations made by the petitioner. The function of local body is to devise scientific and hygienic methods of waste and garbage disposal. The manner in which the fourth respondent had allowed the petition mentioned site to be used cannot be accepted. The fourth respondent has failed to discharge the statutory obligations cast on them.



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3. The assertion of the petitioner that the petition mentioned site has been earmarked as park has not been controverted. The park has to be maintained as such for all times to come. It cannot be converted into a garbage dumping site. If on account of lack of space, a portion of the park has to be dedicated for waste management, it must be done in a manner as not to cause pollution. It is open to the fourth respondent to apply to this Court by filing Miscellaneous Petition in this writ petition seeking relief regarding the manner of disposal. Till then, the fourth respondent is restrained from dumping municipal waste / garbage in the petition mentioned sites.

4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

07.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

Note: Registry is directed to mark a copy of this order to the writ petitioner.



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G.R.SWAMINATHAN, J.

MGA

To

- 1.The Regional Director,
Municipal Administration,
Salem.
- 2.The Revenue Divisional Officer,
Kulithalai Division,
Kulithalai.

W.P(MD)No.7552 of 2015
and
W.M.P(MD)Nos.1 & 2 of 2015

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