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W.P. No. 5424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5424 of 2024

and

W.M.P. Nos. 5985 and 5986 of 2024

N.Venkaiyan

... Petitioner

-VS-

1. The Commissioner of Municipal Administration
Commissionerate of Municipal Administration
M.R.C.Nagar, Raja Annamalaipuram
Chennai – 600028.
2. The District Collector
Tiruvannamalai
Collectorate Vengikkal
Tiruvannamalai – 606604.
3. The District Environmental Engineer
Tamil Nadu Pollution Control Board (TNPCB)
Tiruvannamalai, Collectorate Campus
Vengikkal, Tiruvannamalai – 60604.
4. The Commissioner
Thiruvathipuram Municipality
Cheyyar – 604407
Tiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Fourth Respondent Municipality to remove the entire garbage dumped in the Cheyyar River



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alongside the river bank near the burial ground at the end of the Dharmaraja Koil Street, Thiruvathipuram, Cheyyar, Tiruvannamalai District in accordance with the recommendations /directives given by the Third Respondent vide Letter No. Ko. Complaint-04(27)/ Ma.Su.Soo.Po/ Tha.Na.Maa.Ka.Vaa/ Tiruvannamalai/2022 dated 08.09.2022, based on the Petitioner's representation dated 03.08.2022, within a time frame to be fixed by this Court and consequently forbear the Respondents from dumping garbage in the Cheyyar River alongside the river bank near the burial ground at the end of the Dharmaraja Koil Street, Thiruvathipuram, Cheyyar, Tiruvannamalai District in the future.

For Petitioner : Mr. G.Adithyaraj

For Respondents : Mr. V.Ravi, SGP (RR1 & 2)
Mr. L.P.Maurya (R4)
Mr. Shanmugavalli Sekar (R3)

ORDER

Heard Mr. G.Adithyaraj, Learned Counsel for the Petitioner, Mr. V.Ravi, Learned Special Government Pleader, who takes notice for the First and Second Respondents, Mr. Shanmugavalli Sekar, Learned Counsel, who takes notice for the Third Respondent and Mr. L.P.Maurya, Learned Counsel, who takes notice for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The grievance ventilated by the Petitioner is that he had made a representation dated 03.08.2022 to remove the garbage dumped alongside the river bank of Cheyyar River in Tiruvannamalai District as recommended by the Third Respondent in his Letter No. Ko.Complaint-04(27)/Ma.Su.Soo.Po/Tha.Na.Maa.Ka.Vaa/Tiruvannamalai/2022 dated 08.09.2022, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

3. Having regard to the limited nature of relief sought, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

- (i) the Fourth Respondent shall immediately examine the representation dated 03.08.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) the Fourth Respondent shall conduct necessary inspection of the site taking into consideration the directions issued by the Third Respondent on 08.09.2022 for removal of garbage and keep the public land environment friendly without causing pollution;
- (iii) if it is found that any other details or supporting documents is necessary,



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the deficiencies in that regard shall be informed in writing to the

Petitioner requiring the same to be furnished within a time frame of not

less than 5 days for the same;

- (iv) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (v) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (vi) report of the compliance in that regard shall be filed by 31.08.2024 before the Registrar (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, connected Miscellaneous Petitions are closed. No costs.

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Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 18.04.2024.

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To

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4. The Commissioner
Thiruvathipuram Municipality
Cheyyar – 604407
Tiruvannamalai District.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. D.Venkaiyan,
S/o. Late Sundararaman,
No. 24, Sannadhi Street,
Thiruvathipuram,
Cheyyar,
Tiruvannamalai District – 604 407.



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P.D. AUDIKESAVALU, J.

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