



W.P(MD)No.16332 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.16332 of 2024

OSM Mohamed Ali Jinnah

... Petitioner

VS.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 3.The Revenue Divisional Officer,
Aranthangi Revenue Division,
Pudukkottai District.
- 4.The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.
- 5.The Block Development Officer,
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil,
Pudukkottai District.



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6.The President,
Nattanipurasakudi Panchayat,
Avudaiyarkovil Panchayat Union,
Pudukkottai District.

7.B.Sheickdavudeen

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 6 to make necessary entries in the revenue records as land South-East of S.F.Nos.44 & 45 of Nattanipurasakudi Revenue Village, Pudukkottai District and classify the same as dumping garbage yard of Gopalapattinam Village, Nattanipurasakudi Revenue Village, Pudukkottai District, based on the petitioner's representation, dated 04.04.2024 within a time frame as stipulated by this Court.

For Petitioner

: Mr.AN.Ramanathan

For Respondents

: Mr.P.Thilak Kumar
Government Pleader
for R1 to R6

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is for a Writ of Mandamus, to direct the respondent Nos.1 to 6 to make necessary entries in the revenue records as land South-East of S.F.Nos.44 & 45 of Nattanipurasakudi



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Revenue Village, Pudukkottai District and classify the same as dumping garbage yard of Gopalapattinam Village, Nattanipurasakudi Revenue Village, Pudukkottai District, based on the petitioner's representation, dated 04.04.2024 within a time frame as stipulated by this Court.

2.That the petitioner seeking a positive direction from this Court to the official respondents to declare S.F.Nos.44 & 45 at Gopalapattinam Village, Nattanipurasakudi Revenue Village, Pudukkottai District, as a dumping garbage yard.

3.Mr.AN.Ramanathan, learned counsel appearing for the petitioner, having relied upon the earlier order passed by the Division Bench, dated 27.02.2024 in W.P(MD)No.2760 of 2024, has requested that since the earlier Division Bench order directed the District Administration and the local body to evolve a suitable mechanism and the dumping garbage in the estuary cannot be permitted, the local authority now does not permit any of the Villagers to make the South-East portion of Survey Nos.44 and 45 as a dumping yard. By virtue of that since there has been no specific place to have a dumping yard, the Villagers are suffering, he contended.

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4.However, Mr.P.Thilak Kumar, learned Government Pleader appearing for the official respondents, on instructions, would submit that as per the revenue records, Survey Nos.44 and 45 have been categorized as 'Government poramboke Thooppu' ie., grove. When that being the position, the said survey numbers cannot be permitted to be used permanently as a dumping yard, as it is only 236 meters from the high tide of the Sea.

5.The learned Government Pleader would also state that however an alternative place would be identified as per the earlier direction of the Division Bench to make a dumping yard instead of the present one as sought for by the petitioner and that steps would be taken soon, he contended.

6.Having regard to the said submissions made by the learned Government Pleader appearing for the official respondents and in view of the order that is proposed to be passed in this Writ Petition we are inclined to dispense with the notice to the seventh respondent, we are passing the following orders:



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'(i) That there shall be a direction to the official respondents to act upon based on the earlier direction given by the Division Bench as stated supra and find out any alternative suitable place in the Village concerned to make it as a dumping yard so that the environment in that locality can be protected without any deviation.

(ii) Steps shall be taken at the earliest point of time.'

7.With these directions and observations, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
22.07.2024

NCC : Yes / No
Index : Yes / No
ps



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R.SURESH KUMAR,J.
and
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ORDER MADE IN
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