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W.A. No.497 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

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THE HONOURABLE MR. JUSTICE **S.M.SUBRAMANIAM**
AND
THE HONOURABLE MR. JUSTICE **MOHAMMED SHAFFIQ**

W.A. No.497 of 2025
and
C.M.P. No.4313 of 2025

R.Vidya

... Appellant

Vs.

The Commissioner,
Tambaram Corporation,
No.28, Muthrenga Mudali Street,
West Tambaram,
Chennai – 600 045.

... Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order
dated 30.07.2024 passed in W.P. No.7100 of 2023.

For Appellant : Mr.R.Sathiyamurthi

For Respondent : Mr.P.Srinivas,
Standing Counsel
Mr.S.Vinod,
Advocate Commissioner



W.A. No.497 of 2025

JUDGMENT

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(Judgment of the Court was delivered by *S.M.SUBRAMANIAM, J.*)

The writ order dated 30.07.2024 made in W.P. No.7100 of 2023 is under challenge in the present intra-court appeal.

2. The writ Court disposed of writ petition based on the admission made by the respondent that process for clearing the subject land will be undertaken by paying just compensation to the appellant. Recording the said submission, the writ petition was disposed of.

3. The learned counsel for the appellant would contend that the respondent Corporation continues to dump garbage nearby appellant's land and free access to her patta land has been obstructed. That apart, dumping of garbage is causing health hazards. Thus the present appeal came to be filed.

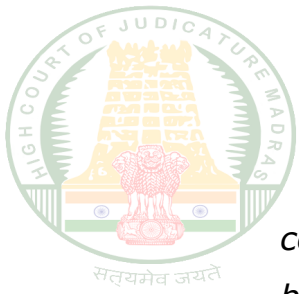
4. Under Section 175 of The Tamil Nadu Urban Local Bodies Act, 1998 (Tamil Nadu Act 9 of 1999), procedures are contemplated for disposal of solid wastes and drainage water. Suitable lands are to be identified for dumping garbage and solid wastes and bye-laws also have been approved by the Corporations. Chapter XII of the said Act deals with



Public Health and Solid Waste Management. Thus, the procedures contemplated under the entire chapter are to be scrupulously followed by the Corporation authorities. Any violation leading to infringement of the rights of the citizens are to be viewed seriously. In the present case, the appellant and other nearby owners have been denied free access to their respective residential plots.

5. Learned standing counsel for the Corporation relying on the affidavit filed on behalf of the respondent would submit that actions have already been initiated and solid waste management system is under construction. All suitable actions are taken to complete the project within a period of one month and thereafter, the garbage will be removed by the Corporation. In this regard, the relevant paragraphs of the affidavit filed by the Commissioner, Tambaram Corporation are extracted hereunder:

'10. The writ petition was disposed off by the Honourable Single Judge directing that the Respondent herein should initiate the acquisition proceedings for the extent that is occupied by the respondent by construction of the MCC shed. In the meanwhile the system of solid waste management was undergoing various changes and the manner and method of handling and disposing the solid wastes was reworked after the merger of the various Municipalities into the Tambaram Corporation. As per the said policy changes, the system of wide spread



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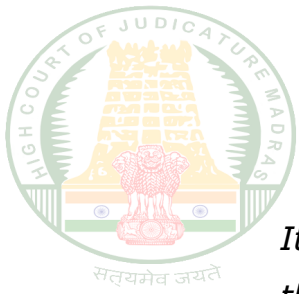


W.A. No.497 of 2025

collection centres and the MCCs in various areas have been studied and the changes have been finalised and accordingly the use of the lands in T.S.No.158 and 159 as waste collection location and processing centre was removed and the entire solid wastes that had been accumulated over the years was removed by means of transfer section at a cost of Rs.10 crores and the entire solid wastes accumulated over the decades have been removed and the MCC shed was also demolished and the entire property of the petitioner was cleared.

11. As present, the entire legacy waste in T.S.No.158 and 159 as well as the lands of the petitioner that are adjacent to the same have been cleared.

12. The construction of the transfer station is being undertaken in T.S.No.234/1, Thiruneermalai Village to cater to the requirements of solid waste management that were previously situated in the S.Nos.158 and 159 and the said construction will be completed in a period of 4 months. Consequently the use of the lands in S.No.158 and 159 are no longer needed for solid waste management works. A small portion of the lands adjacent to the main road of an extent of 670 square meters in S.No.158, Pammal Village is at present being temporarily used as a solid waste handling facility pending the completion of the Transfer station as above. This location is a Government Poromboke land and it is not a part of the layout in which the plot of the petitioner is situated.



W.A. No.497 of 2025

WEB COPY

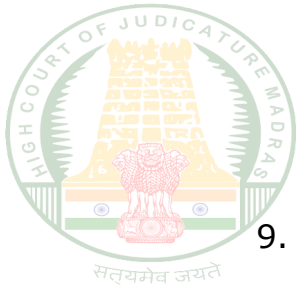
It is adjacent to the road that is shown as the access to the plots. The entire layout is an unapproved layout and the roads have not been handed over to the Corporation. The petitioner's plot as well as the entire layout on which it is situated has been cleared of the legacy waste and the same is now free for use by the owners of the said lands.

13. It is humbly submitted that the work of construction of the Transfer station is at an advanced stage and the same will be completed by 10.10.2025.'

6. In view of the affidavit filed by the Commissioner, Tambaram Corporation, the respondent is directed to complete the solid waste management system within the period as they have stated in their sworn affidavit and remove all the garbages lying nearby the residential plots of the appellant and ensure free access to the owners of the residential plots in that area.

7. The claim of the appellant regarding payment of rent can be considered if any application is filed under any of the provisions of law.

8. The Advocate Commissioner has conducted inspection and submitted his report and the work done by Mr.S.Vinod, Advocate Commissioner stands appreciated.



W.A. No.497 of 2025

9. With the above direction, the writ appeal is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

[S.M.S., J.] [M.S.Q., J.]
07.10.2025

Index:Yes
Neutral Citation: Yes/No
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To

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