



W.P.No.26040 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

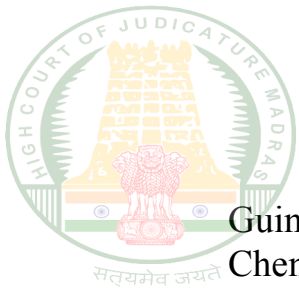
Writ Petition No.26040 of 2016
and W.M.P.No.22339 of 2016

- 1.A.Natesan
- 2.P.Nallamuthu
- 3.K.Kumaresan
- 4.K.Senthilkumar
- 5.T.Suthanthirarajan

... Petitioners

Vs.

- 1.The District Collector,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
Sankari 637 301, Salem District.
- 3.The Tahsildar,
Sankari Taluk, Salem District.
- 4.The Executive Officer,
Selection Grade Town Panchayat,
Sankari Taluk, Salem District.
- 5.The District Environmental & Pollution Control Officer,
Tamil Nadu Pollution Control Board,
Meyyanur, Salem, Salem District – 636 004.
- 6.The State Environmental Officer,
Tamil Nadu Pollution Control Board,



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Guindy, Industrial Estate,
Chennai – 600 032.

... Respondents

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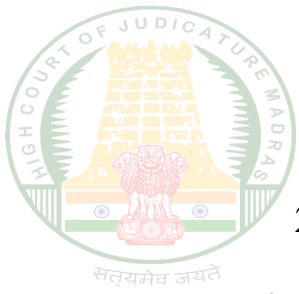
PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the first respondent stop the proposal of construction of dumping yard at Survey No.241/6 of Manjakalpatti Village, Sankari Taluk, Salem District and issue a consequential direction to consider the representation of the petitioners dated 25.05.2016.

For Petitioners : M/s.D.Nagasaila

For Respondents : M/s.P.Aishwarya,
Government Advocate

ORDER

The petitioner has filed this petition seeking direction to the first respondent to stop the proposal of construction of dumping yard at Survey No.241/6 of Manjakalpatti Village, Sankari Taluk, Salem District and issue a consequential direction to consider the representation of the petitioners dated 25.05.2016.



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2. Learned counsel for the petitioners would submit that the petitioners are farmers and have acquired the agricultural land measuring an extent of 7.24.0 Hectares comprised in Old Survey No.240, Present Subdivided Survey No.240/1A of Manjakalpatti Village, Sankari Taluk, Salem District, under Sale Deed dated 24.03.2011, registered as Document No.1175/2011 and Document No.1176/2011 and Sale Deed dated 11.05.2012, registered as Document No.1926/2012 all registered in the office of the Sub Registrar, Sankari. Similarly, the fifth petitioner had acquired the agricultural land situated on the western side of above said Survey No.240/1A, measuring an extent of 0.79.5 Hectares comprised in Survey No.239/2A and 1.78.5 Hectares comprised in Survey No.232/2 under the Sale Deed registered as Document No.2558/2008 and 2599/2009 respectively. Since the date of purchase of the above said agricultural lands, the petitioners herein are in absolute possession and enjoyment of the same without anybodies hindrance and cultivating in the said lands by obtaining pattas in their names.

3. Learned counsel for the petitioners would further submit that the grievance of the petitioners are that the fourth respondent herein has



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approved a proposal in the Panchayat Meeting and passed resolution to construct a dumping yard in the land S.No.241/6 of Manjakalpatti Village, Sankari Taluk, Salem District to dump the daily collected wastes and decided to burn the same without obtaining permission from the respondents 5 and 6. Due to dumping of the wastes and burning of the wastes, the cultivation in the agricultural lands of the petitioners will be very much affected and the ground water also will get spoiled. Therefore on behalf of the petitioners herein they have submitted a mass representation on 25.05.2016 to the respondents to forthwith stop the proposal of construction of dumping yard at S.No.241/6 of Manjakalpatti Village for the purpose of dumping and burning of waste. Due to inaction on behalf of the respondents, the petitioners have come forward with the present writ petition.

4. Learned Government Advocate appearing for the respondents would submit that the Survey No.241/6 has not been alienated for dumpying yard as stated by the petitioners and only Survey Nos.241/1 and 238 have been alienated and the construction of the said dumping yard was completed in the year 2016.



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5. Heard the learned counsel on either side and perused the materials available on record.

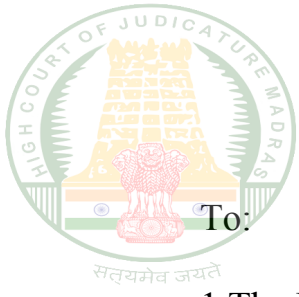
6. In view of the submission made by the learned Government Advocate appearing for the respondents, it is evident that the construction of dumping yard had taken place only at land bearing Survey Nos.241/1 and 238 and not in Survey No.241/6, as prayed in the writ petition. Hence, nothing survives in this writ petition for further adjudication.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2025

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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