



W.P.No.39583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 05.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

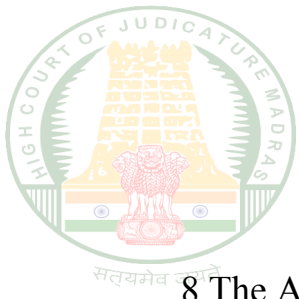
W.P.No.39583 of 2024

P.Sivaselvam

...Petitioner

-Vs-

- 1.The District Collector,
Office of the District Collectorate,
Nagapattinam District.
- 2.The Block Development Officer,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 3.The Zonal Deputy Block Development Officer – I,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 4.The Supervisor,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 5.The Panchayat President,
Andanapettai Village Panchayat,
Nagapattinam Taluk & District.
- 6.The Panchayat Secretary,
Andanapettai Village Panchayat,
Nagapattinam Taluk & District.
- 7.The Planning Director,
District Rural Development Agency,
Nagapattinam – 611 003.



W.P.No.39583 of 2024

8.The Assistant Director (Panchayats),
District Rural Development Agency,
Nagapattinam – 611 003.

9.Nagai Sathik alais Muthuvappa

10.Raji alias Saravanan

11.Renuka

12.Mrs.Sachu alias Marimuthu

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents 1 to 8 herein to permanently close the garbage dump site in front of door No.95, Rice Mill Street, Andanapettail Village P.O, Nagapattinam District and to restrain the respondents 9 to 12 and other residents of Rice Mill Street from dumping their household and other wastes in the public place in front the petitioner's residence and caution them of the penalty implications as per Tamil Nadu Panchayat Act, 1994, Tamil Nadu Public Health Act, 1939 and Solid Waste Management Rules, 2016 within a time frame fixed by this Court and pass such further orders.

For Petitioner : M/s.M.Abbiraami

For R1, R4 &
R6 to R8 : Mr.N.Naveen Kumar,
Government Advocate

For R2, R3 & R5 : Mr.S.J.Mohamed Sathik,
Government Advocate



W.P.No.39583 of 2024

ORDER

WEB COPY

This writ petition has been filed for issuance of a Writ of Mandamus, directing respondents 1 to 8 herein to permanently close the garbage dump site in front of door No.95, Rice Mill Street, Andanapettail Village P.O, Nagapattinam District, and to restrain respondents 9 to 12 and other residents of Rice Mill Street from dumping their household and other wastes in the public place in front of the petitioner's residence and caution them of the penalty implications as per the Tamil Nadu Panchayat Act, 1994, Tamil Nadu Public Health Act, 1939, and the Solid Waste Management Rules, 2016, within a time frame fixed by this Court.

2. The case of the petitioner is that the 9th, 10th and 12th respondents residing near the petitioner's residence have been dumping and burning the solid wastes and other wastes on the petitioner's house compound wall and thereby causing disturbance to his entire family.

3. Pursuant to the same, the petitioner gave a representation on 08.01.2024 to the respondents 1, 5 and The District Environmental Engineer, Nagapattinam District. The District Environmental Engineer, in a



W.P.No.39583 of 2024

communication to the 2nd respondent dated 19.01.2024, directed him to take immediate action regarding this issue. Since no further actions were taken, another representation was sent on 14.08.2024 and 27.08.2024 to the Sub-Inspector of Police, Nagapattinam, and to the 1st, 2nd, 5th, 7th and 8th respondents and the District Environmental Engineer, reiterating the same issue. In reply, the District Environmental Engineer issued a communication dated 04.09.2024 directing the 2nd respondent to take effective action as per the provisions of the Tamil Nadu District Municipalities Act, 1920, Tamil Nadu Public Health Act, 1939, and the Solid Waste Management Rules, 2016.

4. Despite the further developments and aggrieved by the continuing activities of the respondents 9 to 12, the petitioner sent representations on 16.09.2024 and 20.09.2024 to the 1st Respondent and Inspector of Police, Nagapattinam. Since no action was taken on any of the representations, the petitioner sent a legal notice dated 01.10.2024 to the Respondents 1 to 8. Thereafter, immediately on 02.10.2024, again a representation was sent to the 1st, 7th and 8th Respondents.



W.P.No.39583 of 2024

5. Based on the legal notice sent by the petitioner on 01.10.2024, the Under Secretary to the Government, Public Health and Welfare Department, sent a communication to the Director of Public health and Preventive Medicine to take action upon his complaints made earlier. Finally, on 28.10.2024, the 2nd Respondent, in his communication to the 3rd, 4th and 6th Respondents directed them to take action on the petitioner's complaints. Due to the persistence of the said garbage dumping, the petitioner has come up with the present writ petition.

6. Learned counsel appearing for the petitioner would submit that now the fencing has been done in front of the petitioner's residence where the garbage had been dumped by the neighbours and amla trees have been planted in that area and a board is also erected by the police department that if anybody dumps the garbage, strict action will be taken by the police officials as well as by the Rural Department Officials.

7. Learned counsel further submitted that respondents 9 to 12 are threatening that they will uproot and remove the fencing and again dump the garbage in front of the petitioner's residence. Apart from this, they are also



W.P.No.39583 of 2024

parking their vehicles in that place.

WEB COPY

8. Learned Government Advocate appearing for respondents 1, 4, 7 and 8 would submit that the complaint of the petitioner was considered at the place where the garbage was dumped by the neighbours, i.e., respondents 9 to 12, now amla trees are planted and complete fencing has been done so in order to prevent the neighbours from putting garbage there and also park their vehicles.

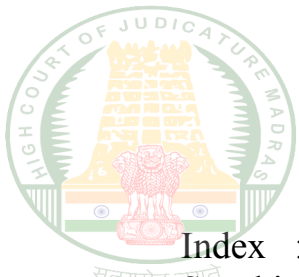
9. Learned Government Advocate appearing for respondents 2, 3 and 5 would submit that in the future, if any complaint is given by the petitioner, such as the removal of fencing, amla trees, and the dumping of garbage, then appropriate direction will be issued by the 2nd respondent to the concerned police to take proper action in accordance with law.

In view of the above submission made by the learned Government Advocate, the **writ petition stands disposed of with the above observations.** No costs.

05.03.2025

cda

6/9



W.P.No.39583 of 2024

Index : Yes/No

Speaking/Non Speaking order

WEB COPY

To

- 1.The District Collector,
Office of the District Collectorate,
Nagapattinam District.
- 2.The Block Development Officer,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 3.The Zonal Deputy Block Development Officer – I,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 4.The Supervisor,
Nagapattinam Panchayat Union,
Velippalayam, Nagapattinam.
- 5.The Panchayat President,
Andanapettai Village Panchayat,
Nagapattinam Taluk & District.
- 6.The Panchayat Secretary,
Andanapettai Village Panchayat,
Nagapattinam Taluk & District.
- 7.The Planning Director,
District Rural Development Agency,
Nagapattinam – 611 003.
- 8.The Assistant Director (Panchayats),
District Rural Development Agency,



W.P.No.39583 of 2024

Nagapattinam – 611 003.

WEB COPY

J.SATHYA NARAYANA PRASAD, J.

cda

W.P.No.39583 of 2024



WEB COPY



W.P.No.39583 of 2024

05.03.2025