

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2776 of 2015

and

M.P.No.1 of 2015

G.Thyagarajan

...Petitioner

Versus

1. The Collector
O/o. District Collector
Vellore District - 632 009
2. Assistant Director (Panchayat)
B Block, 3rd Floor, Collectorate
Vellore Pin 632 009
3. Block Development Officer
Officer's line
Velloore, Pin 632 009
4. The Panchayat President
Plamathy Village Panchayat
Residing at Senganatham Village
Vellore TK and District

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the Respondents not to construct public toilets / lavatories in the place of the proposed park area as the property belong to the plot owners in S.No.28/3A in Senganatham Village and may construct the Toilet in the Government Poramboke Land.

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For Petitioner : Mr.S.Sathiyarayanan

For Respondents: Mr.S.Gunasekar
Government Advocate

ORDER

Heard Mr.S.Sathiyarayanan, learned counsel for the petitioner and Mr.S.Gunasekar, learned Government Advocate appearing for the respondents and with their consent, the writ petition itself is taken up for disposal at the admission stage.

2. The petitioner seeks for issuance of a mandamus directing the respondents not to construct public toilets / lavatories in the area which is earmarked as toilet area in the residential lay out in Senganatham village, Palamathi Panchayat, Vellore District, which has been approved by the Palamathi Panchayat.

3. The petitioner would state that the proposal of the construction of public toilets in the park area would cause hindrance to the public and it is only to enrich the fourth respondent, who is the President of the Plamathy Village Panchayat.

4. It has to be pointed out that toilets are not going to cover the entire park area. The park area, which is earmarked in the proposed lay out, has linear measures of 90'9" x 63'9" and it cannot be stated that the entire area is going to be used as toilets. However, the fourth respondent, while constructing toilets should ensure that toilets are situated in a place affecting the usage of the park area or ingress and egress to park area. The fourth respondent should also ensure that toilets are maintained properly by appointing sufficient persons to take care of the hygienic atmosphere in the toilet area. In order to ensure the above, a direction is also issued to the second respondent to call for the entire papers from the fourth respondent and peruse the plan of construction and the amount to be spent and issue certificate to that effect and thereafter, the fourth respondent shall consider the proposal of the construction of toilets. It is made clear that the above process shall be done under the supervision of the officers of the second respondent.

5. With the above direction, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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2 CCs to Mr.S.Sathiyarayanan, Advocate SR.No. 5981

1 CC to the Government Pleader, SR.No. 6350

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SAI (CO)
PSI (23.02.2015)