

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.35798/2015 & MP.No.1/2015

N.Murugan

...Petitioner

Versus

1. The District Collector
Tiruppur, Tiruppur District.
2. The Commissioner,
Tiruppur Municipal Corporation
Tiruppur, Tiruppur District.
3. The Assistant Executive Engineer
Tiruppur Municipal Corporation
No.4th Zone 59th Ward, Tiruppur,
Tiruppur District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to forbear the respondents 2 and 3 authorities from construction of septic tank in front of the petitioner house bearing Door No.2/294, Mullai Nagar, Periyandipalayam, Tiruppur, Tiruppur District by considering the representation dated 14.09.2015.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.Rajeswaran, Spl.GP for R1
Mrs.P.Shanthi, for RR 2 & 3

ORDER

Heard Mr.N.Myilsamy, learned counsel for the petitioner ; Mr.R.Rajeswaran, learned Special Government Pleader appearing for the 1st respondent and Mrs.P.Shanthi, learned counsel appearing for the respondents 2 and 3 and with their consent,

the writ petition is disposed of at the admission stage itself.

2 The petitioner seeks for a direction to forbear the respondents 2 and 3 from constructing a septic tank in front of his house situate at Door No.2/294, Mullai Nagar, Periyandipalayam, Tiruppur. The petitioner would further state that there are several other places where the septic tank could be constructed without hindrance to the public. But, however the tank is proposed to be located in front of the petitioner's house, thereby preventing the petitioner to have access to his house.

3 Learned Special Government Pleader, on instructions, would submit that, what is proposed to be constructed is not a septic tank, but it is only a tank for draining the waste water.

4 In any event, the petitioner has made a representation to the authorities, which is still pending consideration. In the light of the above, without going into the merits of the allegations made by the petitioner, there will be a direction to the 3rd respondent to consider the representation of the petitioner dated 14.09.2015 and examine as to whether there will be any hindrance to the petitioner and pass an order assigning reasons within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

5 The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

AP

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To

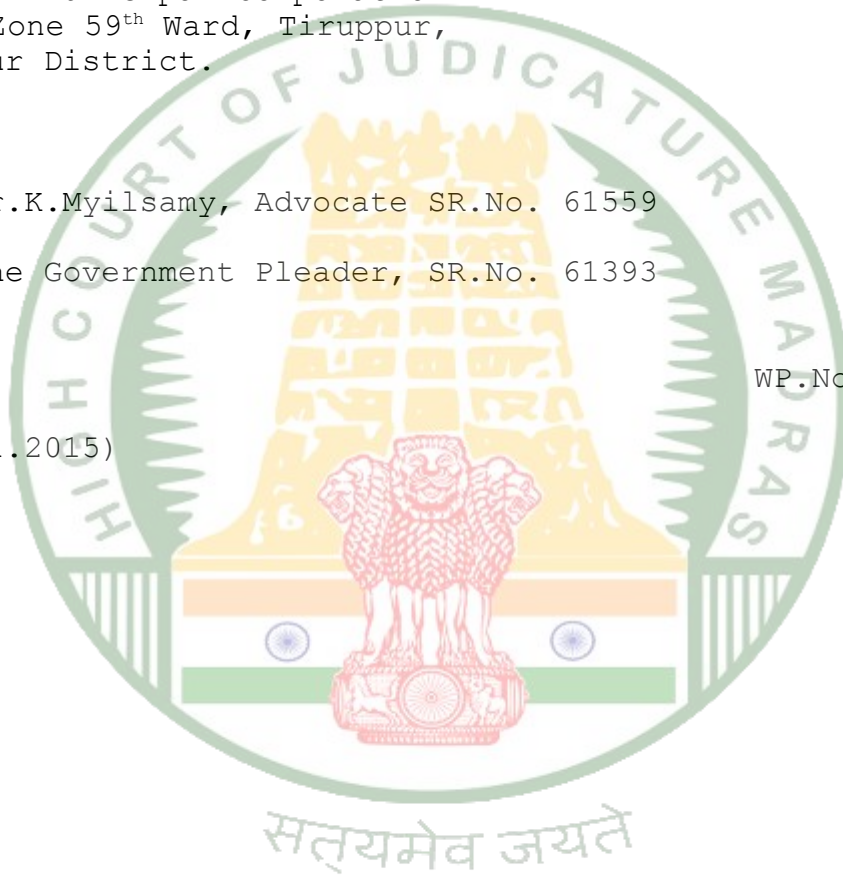
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Tiruppur District.

1 CC to Mr.K.Myilsamy, Advocate SR.No. 61559

1 CC to the Government Pleader, SR.No. 61393

TM (CO)
PSI (23.11.2015)

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