

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.36449 of 2015 &
M.P.No.1 of 2015

K.Poongavanam

[PETITIONER]

Vs

1. The Commissioner
Corporation of Chennai,
Rippon Building,
Chennai 600 003

2. The Head Master,
Chennai Corporation School,
Division 20, Zone-7, Ward-91,
7th Cross Street,
Mogappair, Chennai 600 038

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus forbearing the first respondent herein from putting up construction of toilet block in the second respondent school adjacent to the petitioner's house.

For Petitioner : Mr.S.V.Karthikeyan

For Respondents 1 and 2: Mr.P.V.Selvakumar

सत्यमेव जयते

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.S.V.Karthikeyan, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Counsel appearing for the respondents.

3. The petitioner seeks for a direction to forbear the respondent Corporation from putting up a toilet in School campus.

4. Admittedly, the construction is within limits of the School campus. The petitioner would state that the toilet is proposed to be constructed on the Western side of the petitioner's house, which according to him has been constructed as per approved plan. If it is the case where the petitioner pleads that there will be likelihood of any nuisance or his easementary rights would be affected, the petitioner has to approach the Civil Court. Since the construction proposed by respondent Corporation is within their campus, no positive direction can be granted to the petitioner. However, it is open to the petitioner to pursue his representation before the second respondent, which shall be considered by the second respondent in accordance with law.

The Writ Petition is disposed of with the above said observations. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 cc to P.V.Selvakumar Advocate sr.61806

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