



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1185 of 2016
& C.M.P(MD)Nos.7697 & 7698 of 2016

Sheela Vasanthi

... Appellant/3rd Respondent

-Vs-

1. M.S.Bindhu

... 1st Respondent/Writ Petitioner

2. The Block Health Supervisor
Govt.Primary Health Centre,
Arudesam, S.T.Mankad Post,
Kanyakumari District.

3. The Block Development Officer,
Munichirai Panchayat Union,
Kanyakumari District.

...Respondents 2 & 3/
Respondents 1 & 2

PRAYER: Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 15.06.2016 made in W.P(MD)No.10479 of 2016.

Prayer in WP(MD). 10479/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to remove the septic tank based on the report of the 1st Respondent forthwith and pass orders on the representation of the Petitioner dated 04.01.2016 within the time frame fixed by this Honble Court.

For Appellant : Mr.M.Sreenivasan
For Respondents : Mr.F.Deepak for R1
: Mr.M.Govindan,
Spl Government Pleader
for R2 & R3.

**JUDGMENT**

(Judgment of the Court was delivered
by **NOOTY . RAMAMOohana RAO, J**)

This Writ Appeal has been preferred by the third respondent in W.P.(MD)No.10479 of 2016. The said writ petition was disposed of by this Court on 15th June 2016 and in that process, notice to the third respondent, in fact was dispensed with by this Court. The prayer in the writ petition was for directing the respondents to remove the septic tank constructed by the third respondent. Therefore, the third respondent is going to be impacted by any such relief which the writ petitioner prayed for were, to be granted by this Court. In fact, the said writ petition was disposed of in terms of the prayer.

2. The fundamental principle is that no person should be condemned unheard. In the instant case, the third respondent was impleaded in the writ petition but this Court has dispensed with putting the third respondent on notice. For that very reason, we set aside the order passed by this Court in W.P.(MD)No.10479 of 2016 dated 15.06.2016 and remit the matter back for fresh consideration by the learned Single Judge.

3. The learned Counsel appearing for the third respondent shall file necessary counter affidavit in the writ petition within ten days from today. We hope and trust that the matter will be heard by the learned Single Judge after expiry of ten days from now.

4. Accordingly, the Writ Appeal stands allowed to the extent indicated supra, after hearing the learned Counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 2 and 3. No costs. Consequently, the connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

TO

1. THE BLOCK HEALTH SUPERVISOR
GOVT.PRIMARY HEALTH CENTRE,
ARUDESAM, S.T.MANKAD POST,
KANYAKUMARI DISTRICT.

2. THE BLOCK DEVELOPMENT OFFICER,
<https://hcservices.ecourts.gov.in/hcservices/>
MUNICHIRAI PANCHAYAT UNION,
KANYAKUMARI DISTRICT.

**COPY TO:-**

1. THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

2. THE SECTION OFFICER,
WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
(FOR NECESSARY ACTION)

3. THE SECTION OFFICER,
E.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
(FOR NECESSARY ACTION)

+ 1 CC TO M/S.F.DEEPAK, ADVOCATE IN SR No. 44820
+ 1 CC TO MR.M.R.SREENIVASAN, ADVOCATE IN SR No. 44264
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45175

GSR

TE/KP : 29/08/2016 : 3P/9C

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