



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA****W.P (MD) No.19404 of 2016**

Ever Green Social Welfare Organization
rep. through its Managing Trustee
Rajeswarai, W/o.Johnson,
5/8A1, Singara Thoppu Compound,
Ramanathapuram.

: Petitioner

Vs.

1.The Director,
Municipal Administration,
Regional Office,
294, Melakkal Main Road,
Kochadai,
Madurai - 16.

2.The Commissioner,
Ramanathapuram Municipality,
Vandikara Street,
Ramanathapuram District.

3.The Principal,
Schwartz Matriculation & Higher Secondary School,
Singarathoppu Compound,
Ramanathapuram.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent not to allow the third respondent using the 16 toilets constructed without obtaining building plan approval and Sanitary Inspector Certificate, abetting the 20 feet Local Fund Road, Ramanathapuram.

For Petitioner : Mr.PT.S.Narendra Vasan

For Respondent No.1 : Mr.P.Gunaseelan Muthiah,
Government Advocate.

For Respondents : No appearance

**ORDER**

This writ petition has been filed for issuance of a Writ of Mandamus, directing the second respondent not to allow the third respondent to use the 16 toilets constructed, without obtaining building plan approval and Certificate of the Sanitary Inspector, which are located, abetting the 20 feet Local Fund Road, Ramanathapuram.

2.Mr.P.Gunaseelan Muthiah, learned Government Advocate takes notice for the first respondent. By consent, the writ petition itself is taken up for final disposal.

3.The case of the petitioner is that the petitioner is running a social welfare organization under the name and style of Ever Green Social Welfare Organization and it is a registered one. The petitioner is stated to be the Managing Trustee of the said Organization.

4.The third respondent school is functioning in a portion of St. Martin Hospital, opposite to the petitioner's organization.

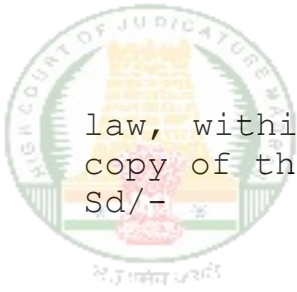
5.It is the grievance of the petitioner that the third respondent school has constructed 16 toilets adjoining to 20 Feet Local Fund Road, Ramanathapuram, without obtaining building plan approval and also without getting certificate from the Sanitary Inspector.

6.It is the claim of the petitioner that the petitioner obtained an information from the second respondent under the Right to Information Act, that there was no building plan approval for the construction of the toilets. Raising objections, the petitioner has sent a representation dated 27.06.2016 to the first respondent seeking further action. As there was no response, this writ petition seeking direction to the respondents, has been filed.

7.The learned Government Advocate appearing for the first respondent is not in a position to submit as to whether approval has been obtained or not.

8.The learned counsel appearing for the petitioner submitted that it would suffice if the representation of the petitioner dated 27.06.2016, is considered by the first respondent, on merits and in accordance with law, within the time frame to be fixed by this Court.

9.Having regard to the limited scope of relief made in this writ petition, without expressing any opinion on the merits of the



law, within a period of four weeks, from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

smn

To

- 1.The Director,
Municipal Administration,
Regional Office,
294, Melakkal Main Road,
Kochadai,
Madurai - 16.
- 2.The Commissioner,
Ramanathapuram Municipality,
Vandikara Street,
Ramanathapuram District.

+1cc to Mr.PT.S.Narendra Vasan,Advocate Sr.No. 59602

+1cc to Mr.P.Gunaseelan Muthiah,Advocate Sr.No. 60009

JAM/15.11.16/GSV-PM/ 3p-5c

ORDER MADE IN
W.P(MD)No.19404 of 2016
06.10.2016