

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

The HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND

The HON'BLE MR.JUSTICE M.SUNDAR

W.P.No.8164 of 2017
and
W.M.P.No.8941 of 2017

S.Prem Kumar ... Petitioner

vs.

1. The District Collector,
Office of the Thiruvallur District Collector,
Thiruvallur.
2. The Commissioner,
Office of the Thiruvallur Municipality,
Thiruvallur.
3. Administrative Director,
Administrative Municipality Office,
Ezhilagam,
Chennai-5. .. Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to consider the petitioner's representation dated 14.2.2017 submitted to all the respondents.

For Petitioner : Mr.Prof.M.Udaya Bhanu

For Respondents : Mr.R.Vijayakumar
Addl. Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

A counter-affidavit has been filed by the Commissioner, Tiruvallur Municipality/respondent No.2. It is clearly stated that out of 73 cents or 31794 square feet, the second respondent has utilized 410.49 square feet i.e., less than 1.29% for construction of a toilet.

2. Creation of toilet for public is also in public interest and as observed above, only 1.29% of the available land has been utilized for construction of a toilet. The municipal authorities shall ensure that rest of the land is used for a children park and a boundary wall surrounding the children park shall be constructed within a fortnight.

3. The learned Additional Government Pleader appearing on behalf of the respondents submits that a boundary wall will be built within a fortnight.

4. In paragraph 4 of the counter-affidavit of the second respondent, it is stated as under:-

"4. This respondent is also proposed to the Children's Play area as a Park after necessary funds are mobilized in the near future and the place will be secured fully with a compound wall which will definitely change the landscape of the area for good. The Community Toilet will be useful even after the development of the play area as a Park." सत्यमेव जयते

5. The municipal authorities shall ensure that toilet is kept separate from the children park and has a separate entrance from outside. A wall shall be built in front of the toilet, cordoning it off from children park.

6. The municipal authorities shall set up necessary amenities for the children to play in the park at the earliest. The municipal authorities shall also beautify the park and set up facilities for the children to play.

7. The writ petition is disposed of. However, a compliance report shall be filed within 14th July, 2017. No costs. Consequently, W.M.P.No.8941 of 2017 is closed.

8. List for compliance on 14.07.2017.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To:

1. The District Collector,
Office of the Thiruvallur District Collector,
Thiruvallur.
2. The Commissioner,
Office of the Thiruvallur Municipality,
Thiruvallur.
3. The Administrative Director,
Administrative Municipality Office,
Ezhilagam,
Chennai-5.

Copy to:-

The Section Officer,
Writ Section, High Court,
Madras. (For listing the matter for Reporting by
Compliance on 14.07.2017)

+1cc to Mr.M. Udhaya Bhanu, Advocate Sr. 25650

W.P.No.8164 of 2017

RSY(CO)
VR(8/5/2017)