

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.290 of 2014 and
M.P.No.1 of 2014

The Executive Officer,
Jameen Oothukuli Panchayats,
Pollachi Taluk,
Coimbatore District. ...Appellant/4th Respondent

Vs

1.P.Kalimuthu

2.State of Tamil Nadu,
Rep. by its Secretary,
Urban Development and Local Administration
Secretariat, Chennai - 600 009.

3.The District Collector,
Coimbatore.

4.The Assistant Director,
Special Panchayats, Coimbatore. ...Respondents/Writ
petitioner, Respondents 1 to 3

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.32460 of 2012 dated 10.01.2014.

PRAYER IN WP.32460 OF 2012:

Petition Under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus forbearing the
respondents from proceeding with the construction of public
toilet in front of petitiners house at No.10, Krishna Asiramam
Road, Jameen Oothukali, Jameen Oothukuli Post, Pollachi Taluk,
Coimbatore District

For Appellant : Mr.A.Jenasenan
For Respondents : Mr.N.Sudharsan for R1
Ms.A.Sri Jayanthi
Special Govt.Pleader for R2 to R4

J U D G M E N T

K.K. SASIDHARAN,J.

The learned single Judge issued a mandamus to the appellant to construct a toilet away from the existing site subject to the condition that the first respondent shall deposit a sum of Rs.1 lakh for such construction. Feeling aggrieved by the order dated 10 January, 2014 in W.P.No.32460 of 2012, the local body is before this Court.

2. The learned counsel for the first respondent on instructions submitted that pursuant to the order dated 10 January, 2014, the first respondent deposited a sum of Rs.1 lakh and thereafter, the toilet was constructed by the appellant and as such, nothing survives for adjudication.

3. We have also heard the learned counsel for the appellant.

4. The learned single Judge directed the first respondent to deposit a sum of Rs.1 lakh for the purpose of constructing the toilet away from the original location taking into account the report submitted by the Advocate Commissioner. Since the first respondent deposited the amount pursuant to the direction given by the learned single Judge and the toilet was re-constructed by the appellant, nothing survives for adjudication in this intra court appeal.

5. The intra court appeal is dismissed on account of the subsequent events. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-)

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Sub Assistant Registrar

svki

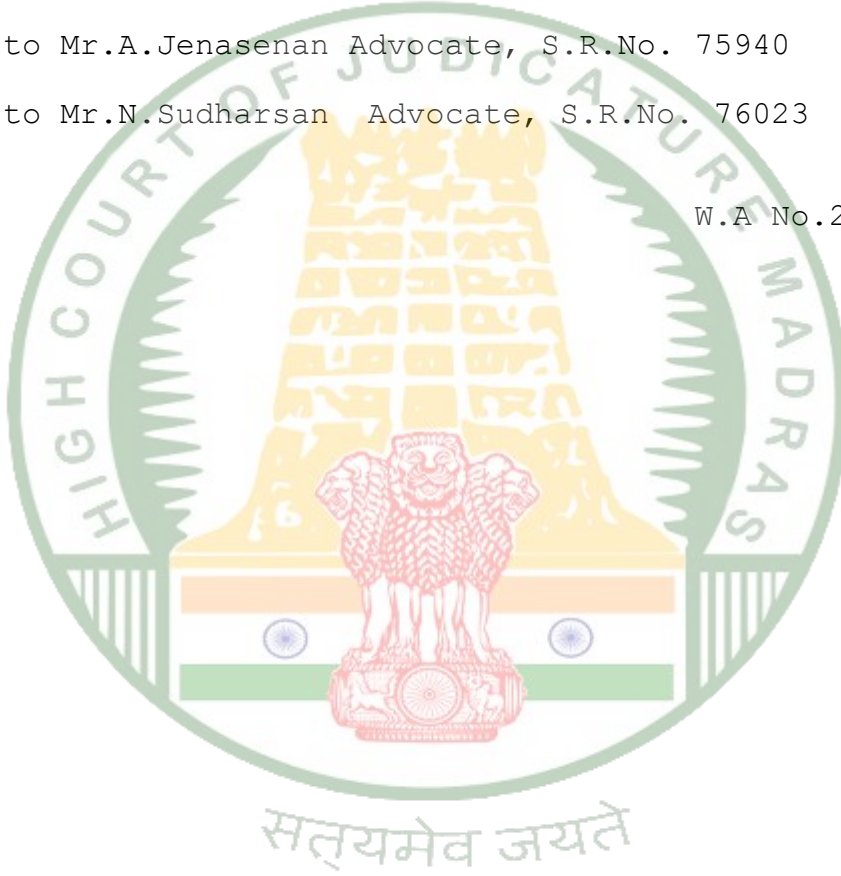
To

- 1.The Secretary,
State of Tamil Nadu,
Urban Development and Local Administration
Secretariat, Chennai - 600 009.
- 2.The District Collector,
Coimbatore.
- 3.The Assistant Director,
Special Panchayats, Coimbatore.

+1cc to Mr.A.Jenasenan Advocate, S.R.No. 75940

+1cc to Mr.N.Sudharsan Advocate, S.R.No. 76023

W.A No.290 of 2014



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