

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.33851 of 2017

1.P.Chandra
2.R.Mallika
3.S.Vimala

.. Petitioners

Vs.

1.The District Collector,
Collector Office, Salem.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Salem.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus directing the respondents herein to remove the public toilet existing at S.F.No.249 in Pachiamman Nagar, Palapathy Village, Salem District within an appropriate time by considering the representation of the petitioner herein dated 04.12.2017 and pass orders on the same within an appropriate time.

For Petitioner: Mr.R.Nalliyappan
For Respondent : Mr.P.Senthilvel
Government Advocate

O R D E R

Mr.P.Senthilvel, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioners seek for a mandamus directing the respondents to remove the public toilet situated at S.F.No.249 in Pachiamman Nagar, Palapathy Village, Salem District, by considering their representation dated 04.12.2017.

3.The grievance of the petitioners is that the said public toilet was constructed in a common area earmarked for play ground and park for the children. Therefore, it is contended that the respondents are not justified in constructing the public toilet in the said common area. Ventilating such

grievance, the petitioners already made a representation on 04.12.2017. This Court, at this stage, does not express any view on the claim made by the petitioner, as it is for the first respondent to consider and decide. Accordingly, this writ petition is disposed of only with a direction to the first respondent to consider the representation of the petitioners dated 04.12.2017 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioners and rival claimants, if any. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The District Collector,
Collector Office, Salem.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Salem.

+1cc to Mr.R.NALLIYAPPAN, Advocate, S.R.No. 92257
+1cc to the Government Pleader, S.R.No. 92550

W.P.No.33851 of 2017

RR(CO)
TR(29/01/2018)

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