

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.27017 of 2017
and
WMP. No.28830 of 2017

Bakthavatsalu Naidu

... Petitioner
vs.

1. The Project Director
National Highways Authority of India
Villupuram.
 2. M/s.Pondicherry Tindivanam Tollway Limited
NH-66-Km. 6+572 Morattandi Toll Plaza
Morattandi Village, Auroville Post
Vanur Taluk, Villupuram District.
- ... Respondents.

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to desist from commissioning/constructing of a "Public Lavatory" in front of the petitioner's property comprised in comprising in New Survey No.179/3, presently sub-divided as S.No.179/11 Tiruchitrambalam Village, Vanur Taluk, Villupuram District.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Ms.S.R.Sumathi

Standing counsel for R1

O R D E R

Ms.S.R.Sumathy, learned standing counsel takes notice for the first respondent. By consent of the parties, the main writ petition is taken up for final disposal, at the admission stage itself.

2. The second respondent is a constructor of the first respondent to construct the impugned Public Lavatory in front of the petitioner's premises comprised in New Survey No.179/3, presently sub-divided as S.No.179/11 Tiruchitrambalam Village, Vanur Taluk, Villupuram District.

3. The grievance of the petitioner before this Court, is that the respondents are trying to put up a Public Lavatory in front of his property, where he is running a Tiffin stall, just adjacent to the National Highway. Ventilating such grievance, the petitioner has already made a representation on 29.09.2017 to the first respondent. It is stated that the said representation is still pending.

4. Therefore, without expressing any view on the merits of the claim made by the petitioner, this writ petition is disposed of, by directing the first respondent to consider the said representation of the petitioner and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and also making local inspection of the disputed site. Such exercise shall be done by the first respondent within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed to maintain status quo as on today. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

- 1.The Project Director
National Highways Authority of India
Villupuram.
- 2.M/s.Pondicherry Tindivanam Tollway Limited
NH-66-Km. 6+572 Morattandi Toll Plaza
Morattandi Village, Auroville Post
Vanur Taluk, Villupuram District.

+ 1 cc to M/s.C.Anbu, Advocate,SR.73843

+ 1 cc to M/s.S.R.Sumathy, Advocate,SR.73953

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NR 13/10/2017