

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43479 of 2016 &
W.M.P.No.37321 of 2016

T.Karunanidhi

... Petitioner

-VS-

1. The District Collector,
New Cuddalore District Collector Office,
Cuddalore District,
Cuddalore-607 001.
2. The Tahsildar,
Panruti Tahsildar Office,
Panruti Taluk,
Cuddalore District.
3. The Commissioner
Nellikuppam Municipality,
Nellikuppam-607 105,
Panruti Taluk,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the representations dated 15.11.2016, 19.11.2016 and 23.11.2016 and consequently, direct the respondents to stop further construction of public toilet in the public path at the northern side of Nellikuppam Municipality bus terminus.

For Petitioner :: Mr.S.Manoharan

For Respondents :: Mr.M.Elumalai,
Government Advocate

ORDER

The present writ petition has been filed seeking for issuance of writ of Mandamus directing the respondents to consider the representations dated 15.11.2016, 19.11.2016 and 23.11.2016 and consequently, direct the respondents to stop further construction of public toilet in the public path at the northern side of Nellikulam Municipality bus terminus.

2.Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

3.Learned counsel for the petitioner would submit that approximately 10,000 people are living in Nellikuppam village which is coming under the Nellikulam Municipality. The Nellikuppam Municipality Bus Terminus is a sensitive place and there is 20 feet road, in which, the vehicles like ambulance, fire services van, school vans can move easily in the said area. There are other lanes to reach the said area, but they are very narrow in nature and that the vehicles cannot easily pass through, because of the narrow pathway. While so, the Commissioner, Nellikuppam Municipality, has tried to build a toilet in the pathway situated in the northern side of the Nellikuppam Municipality Bus Terminus.

4.Learned counsel further submitted that the construction of a public toilet blocking the pathway will be causing so many nuisance to the people, who are going to use the Nellikuppam Municipality Bus Terminus. Ignoring the public convenience, the third respondent, in a biased mind towards people, has given permission to construct the public toilet in the pathway and that if the construction of the toilet is permitted, the pathway will be closed. As a result, the people have to travel another 2 or 3 kilo metres to reach the bus terminus. More over, Fire Service Van, Ambulance and other vehicles could not even enter into the village, if any accident may happen. Therefore, taking into account all these problems, the people of the village, who are facing problems in view of the construction of the public toilet in 20 feet road, have given representations dated 15.11.2014 and 23.11.2016 to the respondents and also sent a representation through their present MLA to the first respondent, requesting him to stop construction of the public toilet on the northern side of the Nellikuppam Bus Terminus. But no action has been taken so far. Therefore, this present writ petition has been filed.

5.Adding further, learned counsel for the petitioner would submit that although the construction of public toilet is permitted, it has to be planned in such a way, not to cause inconvenience by blocking the existing pathway, which is having 20 feet road.

6.Refuting the above objection, the learned Government Advocate appearing for the respondents, having instructions from Mr.A.Jahangirbasha, the Commissioner of Nellikuppam Municipality, who is also present in the Court would submit that the allegation made by the petitioner that 20 feet pathway is going to be blocked, is wrong. The construction of the toilet has not blocked the 20 feet road and the public can make use of the pathway to have ingress and egress. Adding further, he would submit that since the public who are coming to the Nellikuppam bus terminus, are using the nearby area by way of open defecation, it causes so much of infection and diseases to the public who are residing near the said Terminus. Therefore, after many thoughts and deliberation, the third respondent has taken a decision to have a public toilet to enable the bus passenger and public, who are going to use the bus terminus.

While executing the construction of the public toilet, it has been ensured that 20 feet pathway leading to Nellikuppam, is no way affecting the pathway and he has also placed upon his proceedings dated 20.12.2016, addressed to the learned Government Advocate and a reading of the same is also shows that the construction of public toilet on the northern side of the Nellikuppam Bus Terminus, is not going to block the existing pathway.

7. Therefore, I do not find any merit in this writ petition and accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is dismissed. No costs.

Sd/-
Asst. Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1. The District Collector,
New Cuddalore District Collector Office,
Cuddalore District,
Cuddalore-607 001.
2. The Tahsildar,
Panruti Tahsildar Office,
Panruti Taluk,
Cuddalore District.
3. The Commissioner
Nellikuppam Municipality,
Nellikuppam-607 105,
Panruti Taluk,
Cuddalore District.

+1cc to Government Pleader, High Court, Madras, sr 2256
+1cc to Mr. S. Manoharan, Advocate, sr 1226

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CA (CO)
RMP (13/03/17)