

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.16979 of 2003

Rajendran

[Petitioner]

Vs

Kuzhithurai Municipality
represented by its Commissioner,
Kuzhithurai.
Kaniyakumari District

[Respondent]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondent to remove the latrine situated in Survey Nos.1624 and 1625/55 Road Poramboke in Kanniyakumari District.

For Petitioner : Mr.M.Muthappan
For Respondent : Mr.K.Vamanan

O R D E R

The petitioner is said to be the President of Southern District Press Reporters Forum, District Organizer to Human Rights Protection Cell, Kanyakumari District. He is also said to be the President of Kanyakumari District Manitha Neya Chinthanaiyalar Eyakkam. Before construction of a new bus stand in Marthandam, the buses were parked at Gandhi Maithanam. Therefore, the authorities built a small urinal on the road side for public use. It is the contention of the petitioner that the new bus stand has been built and at present the buses are being parked in the new bus stand and therefore, the urinal which was built on the road side should be removed.

2.In the considered opinion of this Court, this writ petition is in the nature of public interest litigation and therefore, it is not maintainable before this Court. That apart, it is the avowed policy of the present Central Government to build more urinals for the benefit of the public so that the people do not ease in public. A scheme titled "Swachh Bharat" has been introduced by the Central Government to ensure that by 2020, the people do not defecate in public.

3.The learned counsel for the petitioner pleaded that the present urinal has not been properly maintained by the Municipality and it is a health hazard. In the considered opinion of this Court, that cannot be a good reason to remove the urinal. However, the respondent is directed to ensure that the said urinal is properly maintained and it does not become a source of health hazard to the public.

4.With the above direction, this writ petition is dismissed.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KM

To

The Commissioner,
Kuzhithurai Municipality,
Kuzhithurai.

VGI (CO)
md(14/02/2017)

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