

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P (MD) No.18441 of 2014**and****M.P (MD) No.1 of 2014**

S.Sathiskumar

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Executive Officer,
Panchayat Union Office,
Vadipatti,
Madurai District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from reopening the toilet situated in front of the Petitioner's house at Door Nos.2/87 and 2/87-3, Muthalamman Kovil Street, Thathappanaickenpatti Village, Vadipatti Taluk, Madurai District.

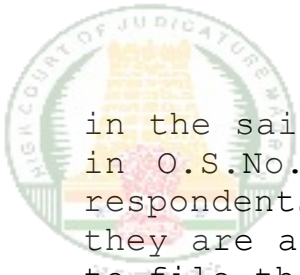
For Petitioner : No Appearance

For Respondents : Mr.J.Gunaseelan Muthiah,
Government Advocate for R.1
Mr.K.Maheshraja, for R.2

ORDER

This writ petition has been filed to issue a Writ of Mandamus to forbear the respondents from reopening the toilet situated in front of the Petitioner's house at Door Nos.2/87 and 2/87-3, Muthalamman Kovil Street, Thathappanaickenpatti Village, Vadipatti Taluk, Madurai District.

2. The case of the petitioner is that the second respondent herein attempted to construct a public toilet right in front of the house of the petitioner, bearing Door Nos.2/87 and 2/87-3. Pursuant thereto, the petitioner's father preferred a suit in O.S.No.222 of 2008 before the Trial Court. Whereas, in the meanwhile, the second respondent constructed the public toilet



in the said place. On 06.09.2012, the Trial Court passed a Decree in O.S.No.222 of 2008, in favour of the petitioner herein. The respondents thereafter, closed the toilet for some time and now they are attempting to reopen the same, which makes the petitioner to file the present writ petition.

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3. Heard the learned Government Advocate appearing for the first respondent and the learned counsel appearing for the second respondent. There is no representation on behalf of the petitioner.

4. The learned Government Advocate today i.e., 14.07.2017, produced a copy of the second respondent in e.f.vz;.240/2005 dated 13.07.2017, wherein it has been specifically stated that there lies a suit relating to the subject matter, in O.S.No.3 of 2015 on the file of the District Munsif Court, Vadipatti, and the same is still pending.

5. Under such circumstances, no further order is required in this writ petition. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.
2. The Executive Officer,
Panchayat Union Office,
Vadipatti,
Madurai District.

+1 cc to Special Government Pleader in SR.No.66155

gk/smn

AE/KP/SAR3/25.07.2017/2P/4C

**W.P (MD) No.18441 of 2014
and**

**M.P (MD) No.1 of 2014
14.07.2017**