



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13 .07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No. 12617 of 2017

K.Puratchivel

... Petitioner

vs.

1.The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Ezhilalgam,
Chepauk,
Chennai-600 005.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.

... Respondents

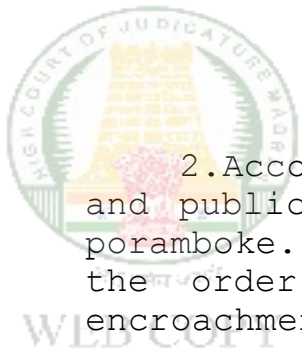
PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider and pass appropriate orders in accordance with law on the petitioner's representation dated 27.06.2017 within a time frame that may be stipulated by this Court.

For Petitioner	: Mr.B.S.Meltiue
For Respondent No.3	: Mr.P.Mahendran
For Respondents No. 1 & 2	: Mr.M.Govindan, Additional Government Pleader

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

This writ petition has been filed in public interest for directing the first respondent to consider and pass orders in accordance with law on his representation dated 27 June ,2017. In the said representation, the writ petitioner and other villagers of Vattapatti village have expressed their apprehension that the community hall and the public toilet built in Kozhukkattai Kuppam Temple in S.No.286/3 and T.S.No.8548/3 are likely to be demolished.



2. According to the writ petitioner, the temple, meeting hall and public toilets are located in T.S.No.8548/3 which is natham poramboke. The allegation is that under purported enforcement of the order made in W.P.(MD) No.1988 of 2017, to remove the encroachment in T.S.No.8548/6, the impugned action is being taken.

3. In response to the allegations made in the writ petition, the Commissioner, Pudukottai Municipality has filed his counter affidavit dated 12 July 2017 in which, it has been mentioned that there is no plan whatsoever to remove the community hall and toilet. Of course, the third respondent would claim that Kozhukkattai Karuppar temple is existence in T.S.No.8548/3, whereas the community hall and public toilet are situated in T.S.No.8548/6. Since it is admitted by the third respondent that the community hall was put up under Sworna Jayanthi Sahahari Rozgar Yojana Scheme and the toilet was constructed under Valmiki Amabedkar Awas Yojana, the question of demolishing such constructions put up by using public funds cannot arise. Both the community hall as well as public toilet are serving public interest.

4. Since the third respondent has clarified that the apprehension of the writ petitioner is unfounded, we record the submission made by the third respondent that there is no proposal of demolishing the community hall and public toilet. In this writ petition, no further orders are therefore necessary.

5. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Commissioner of Municipal Administration,
Commissionerate of Municipal Administration,
Ezhilalgam, Chepauk, Chennai-600 005.

2. The District Collector, Pudukkottai District, Pudukkottai.

+1cc to M/S.P, MAHENDRAN, Advocate SR.No.65524
+1cc to M/S.B.S.MELTUE, Advocate SR.No.65393
+1cc to Special Government Pleader, SR.No.66081

Arul/skm

MAS/KP/SAR2:07.08.2017:2P-6C