



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.13780 of 2017

S.Ramesh

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Sanitary Inspector,
Ward No.82,
Simmakkal, Madurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the unused public toilet situated in 1st street, Thaikal, Ward No.82, Simmakal, Madurai based on the petitioner's representation dated 29.11.2016.

For Petitioner : Mr.T.Ramesh

For Respondents :Mr. T.S.Mohamed Mohidheen,
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 for directing the Madurai Corporation to remove the unused public toilet situated in 1st street, Thaikal, Ward No.82, Simmakal, Madurai. The writ petitioner had submitted a representation dated 29.11.2016 in this regard.

2.The grievance of the writ petitioner is that the Madurai Corporation put up a public toilet in the spot in question. Thereafter, a new public toilet was also constructed. As a result, the old public toilet was not maintained properly. Now
<https://hcservices.ecourts.gov.in/hcservices/> the petitioner is engaged in anti social activities. Therefore he seeks for removal of the old public toilet.



3. We see no merit in this writ petition. However, we do not want to close this case by a dismissal simpliciter. We direct the Madurai Corporation to carry out the necessary repair works and maintain the old public toilet in a proper condition. Public sanitation should rank among the high priorities of any local body. We take judicial notice of the fact that Governments are making every endeavour to ensure that public places remain free of open defecation. Therefore, when a public toilet has been constructed, it should not be allowed to go into disuse. It is the duty of the second respondent Corporation to maintain the same in good condition so that it is used by public.

4. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(crl side)

/Truecopy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Sanitary Inspector,
Ward No.82,
Simmakkal, Madurai.

+1cc to M/S.T.RAMESH, Advocate SR.No.69353

+1cc to M/S.T.S.MOHAMED MOHIDHEEN, Advocate SR.No.69450

Skm / Arul

MAS/KP/SAR2:22.08.2017:2P-6C

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