



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.23847 of 2016andW.M.P (MD) No.17186 of 2016

Dhamotharan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The District Health Officer,
D.H.O. Office,
Tirunelveli.

4.The Assistant Director,
Town Panchayats,
Tirunelveli.

5.The Executive Officer,
Town Panchayat,
Valliyoore,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to forbear them from constructing any group public toilets numbering more than 5 toilets in the adjacent northern side of petitioner's house bearing door No.82B/82A situated at North Street, Vadalivilai, Ward No.7 in Vadakku Valliyoore Town Panchayat, Radhapuram Taluk, Tirunelveli District.

For Petitioner : Mr.S.R.Anbarasu

For Respondent : Mr.S.Kumar,

Additional Government Pleader
for R.1 to R.4

Mr.D.Muruganandham,

Additional Government Pleader for R.5

ORDER

This writ petition has been filed by the petitioner, seeking a Writ of Mandamus, forbearing the respondents from constructing combined public toilets in the adjacent northern side of his house bearing Door No.82B/82A situated at North Street, Vadalivilai, Ward No.7 in Vadakku Valliyoor Town Panchayat, Radhapuram Taluk, Tirunelveli District.

2. The case of the petitioner is that due to the influence of some third parties in his village, the respondents are trying to construct public toilets, adjacent to his house, which according to the petitioner, the excrements will cause health hazard to himself as well as his family members and others in the vicinity. It is the further case of the petitioner that though there are several places available with the Panchayat, for constructing public toilets, the respondents, in order to satisfy some third parties, have selected his locality and aggrieved thereby, the petitioner submitted a representation dated 07.11.2016 to the respondents and as the same did not meet its fate, the petitioner is before this Court.

3. The learned Additional Government Pleader appearing for the fifth respondent filed a detailed counter affidavit denying the contentions of the petitioner and further submitted that under the Swatch Bharath Mission, the land belongs to the Town Panchayat was selected for constructing public toilets. The said Panchayat council has also passed the resolution and following the same, the respondents are attempting to construct the toilets in a hygienic manner. It is the specific contention of the learned Additional Government Pleader that except this piece of land, no other suitable lands are available with the Panchayat for this purpose.

4. In the earlier rounds of litigation, this Court, in order to protect the interest of both the parties, directed the learned Counsel for the petitioner to submit a report, so as to have the public toilets in an alternative site of the Panchayat.

5. Pursuant to the said direction, the learned Counsel for the petitioner, now submitted a report dated 20.09.2017, wherein, he has suggested some vacant sites, belonging to the Panchayat, so as to have the public toilets and the said report is placed on record.

6. Heard the learned Counsel appearing on either side and perused the materials available on record.

<https://hcservices.ecourts.gov.in/hcservices/>

7. Considering the facts and circumstances of the case, this Court directs the fifth respondent to consider the



representation of the petitioner dated 07.11.2016, in line with the report dated 20.09.2017 and take a decision thereon, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

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8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The District Health Officer,
D.H.O. Office,
Tirunelveli.

4.The Assistant Director,
Town Panchayats,
Tirunelveli.

5.The Executive Officer,
Town Panchayat,
Valliyoore,
Radhapuram Taluk,
Tirunelveli District.

+One cc to Mr.S.R.Anbarasu, Advocate, SR.No.80271

+One cc to The Special Government Pleader, SR.No.80904

gk

RL/8C/3P/SKN/RSK/SAR1/9/10/2017

W.P. (MD) No.23847 of 2016

and

W.M.P (MD) No.17186 of 2016