

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2018

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26169 of 2009
and
M.P.No.1 of 2009

Sarasal

...

Petitioner

Vs

1.The District Collector,
Erode.

2.The Block Development Officer,
Ammamet, Erode District.

3.Pavayi

4.Saroja

5.Subramaniam

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent by forbearing the respondents 3 to 5 from evicting the petitioner by demolishing the public toilet constructed in S.No.501/32 in Kannapalli Village, Bavani Taluk, Erode District without following due process of law.

For Petitioner : Mr.R.Nalliyappan

For R1 & R2 : Mrs.K.Bhuvaneswari

ORDER

The petitioner has come up with the present writ petition for a mandamus, to direct the first respondent to forbear the respondents 3 to 5 from evicting the petitioner by demolishing the public toilet constructed in S.No.501/32 in Kannapalli Village, Bavani Taluk, Erode District, without following due process of law.

2.According to the petitioner, the land in question is a Government poramboke and a public toilet constructed therein by the Government is maintained by the petitioner in the capacity

as President of Magalir Sugadhara Valagam Upayokippalar Kulu, out of the funds collected from the public. While so, the respondents 3 to 5, who are the adjacent land owners, under the guise of civil court decree, are trying to encroach the aforesaid land, by demolishing the public toilet constructed therein. Hence, the petitioner is before this Court.

3. Having heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and upon perusal of the documents available in the typed set of papers, this Court is of the view that the respondents 3 to 5, who are the private individuals, against whom, the petitioner has filed this writ petition, have no locus standi to demolish the toilet constructed in the Government poramboke land, for the purpose of public.

4. With the above observation, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rk

To

1. The District Collector,
Erode.

2. The Block Development Officer,
Ammamet, Erode District.

+2cc to Mr. R. Nalliyappan, Advocate, S.R.No. 86009, 84050

+1cc to the Government Pleader, S.R.No. 85146

AD(CO)
GN(30/04/2019)

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