

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :05.02.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2337 of 2018

and

WMP.No.2867 of 2018

Irudayaraj @ Irudayasamy

... Petitioner

Vs.

1.The Assistant Director of
Town Panchayat,
Coimbatore Division,
Coimbatore - 18.

2. The Executive Officer,
Vedapatti Town Panchayat,
Coimbatore District.

3.The District Collector,
Coimbatore District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to preserve the Amman Nagar Pond situated at Nagarajapuram by dredging it and to construct the public toilet in any other alternate place belonging to the respondents other than the banks of the Pond.

For Petitioner

: Ms.R.C.Karl Marx

For Respondents

: Mr.V.Shanmugasundar

Special Government Pleader

O R D E R

The petitioner filed the writ petition seeking Writ of Mandamus to direct the respondents to preserve the Amman Nagar Pond situated at Nagarajapuram by dredging it and to construct the public toilet in any other alternate place belonging to the respondents other than the banks of the Pond.

2. Learned counsel appearing for the petitioner would submit that the second respondent has decided to construct a public toilet on the banks of the Amman Nagar Pond situated at Nagarajapuram. Aggrieved by the same, the residents of

Nagarajapuram, Veerakeralam, Coimbatore-641007, made a representation to the Assistant Director of Town Panchayat, Coimbatore Division under the Public Grievance Petition vide proceedings PP/15/19301 dated 07.12.2015. On receipt of the same, the Assistant Director of Town Panchayat, Coimbatore Division, had replied vide proceedings Na.Ka.No.8/2015/ dated 09.12.2015 stating that the second respondent has no intention to construct the public toilet on the abovesaid Pond situated in 5th Ward, Amman Nagar, Kulakkarai. But, in the earlier occasion, the respondents 1 and 2 conveyed that they have no intention to construct the public toilet on the pond in 5th ward Amman Nagar, Kulakkarai. At present, the public toilet is constructed in the Harijan Colony and not as alleged by the petitioner. The same was forwarded to the second respondent and in turn, the first respondent, on instructions from the second respondent conveyed the same to the petitioner. In spite of the representations dated 25.01.2018 and 29.01.2018 given to the respondents to stop the construction of the public toilet in the banks of the pond, no action has been taken by them. Aggrieved by the same, the present writ petition is filed before this court.

3. The respondents 1 and 2, ignoring the said reply dated 09.12.2015 have proceeded to construct the public toilet on the banks of Amman Nagar, Kulakkarai.

4. Learned Special Government Pleader appearing for the respondents, on instructions, would submit that the respondents have not constructed the public toilet in the disputed property. At present, the Public toilet is constructed in the Harijan Colony.

5. In view of the above categorical statement made by the Learned Special Government Pleader appearing for the respondents, I am inclined to close the writ petition since the respondents have not constructed public toilet on the Pond in the 5th Ward, Amman Nagar, Kulakkarai.

In the above terms, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gv

To

1.The Assistant Director of Town Panchayat,
Coimbatore Division,
Coimbatore - 18.

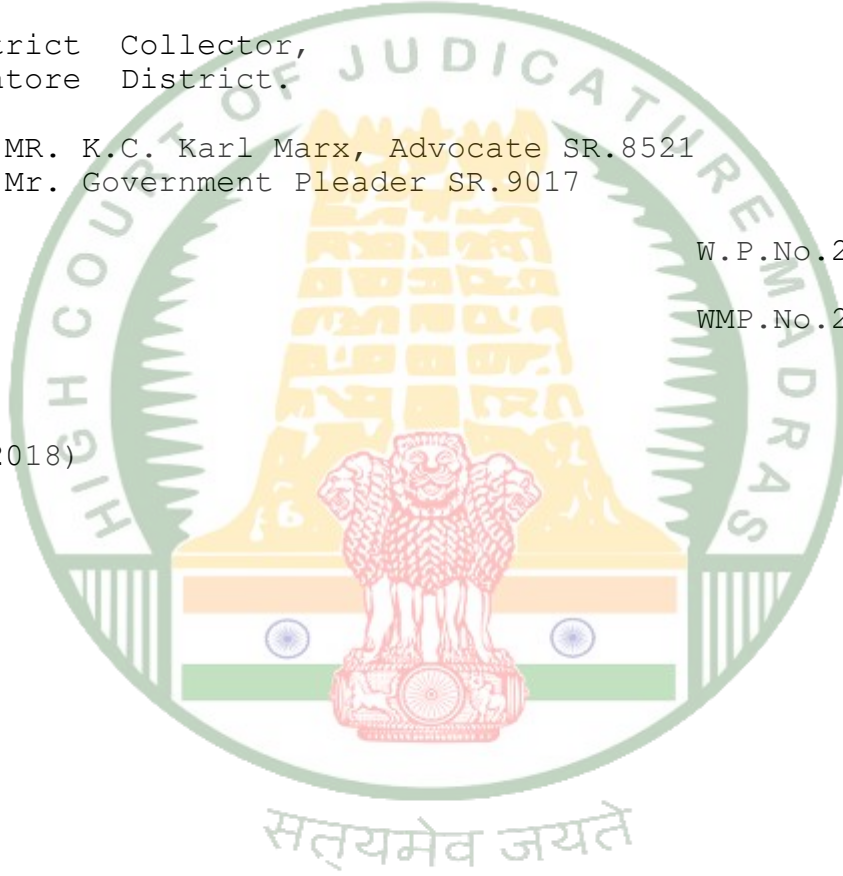
2. The Executive Officer,
Vedapatti Town Panchayat,
Coimbatore District.

3.The District Collector,
Coimbatore District.

+ 1 cc to MR. K.C. Karl Marx, Advocate SR.8521
+ 1 cc to Mr. Government Pleader SR.9017

W.P.No.2337 of 2018
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(CS-VIII)
EU(26/02/2018)



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