



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.4914 of 2018
and
W.M.P. (MD) No.4904 of 2018

M.Vellammal

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District.
2. The Revenue Divisional Officer,
Thenkasi, Tirunelveli District.
3. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.
4. The Village Administrative Officer,
Vasudevanallur, Tirunelveli District.
5. The Executive Officer,
Vasudevanallur Town Panchayat,
Vasudevanallur, Tirunelveli District.
6. Lenin,
The Executive Officer,
Vasudevanallur Town Panchayat,
Vasudevanallur, Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to shift the two Toilets situated in the government poramboke pathway in R.S.No.46 of Vasudevalanoor Village, Tirunelveli District.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.D.Muruganandam, AGP for RR1-5

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

Heard Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.D.Muruganandam, learned Additional Government Pleader for the respondents 1 to 5.

2.This writ petition has been filed to direct the respondents to consider the petitioner's representation and to shift two toilets which have been located in the government poramboke land. The only reason for seeking such prayer is on account of the petitioner's house is situated near to the toilets.

3.The learned counsel for the petitioner would submit that a new toilet complex has been constructed and there is an old toilet complex adjoining to the new complex, which is not being used and the said toilet complex should be demolished.

4.From the photographs produced in the typed set of papers, we find that the construction is completed and it is very big toilet complex presumably with modern amenities and a ramp is also been provided to facilitate the physically challenged persons to use the toilet and therefore, we cannot issue any direction either to shift or pull down the toilet complex.

5.All that we can observe is that the respondents should maintain the toilet complex in a hygienic manner and they should appoint adequate staff from the town panchayat to ensure that the toilets are maintained in a hygienic manner, so that the people living in the locality are benefited. The fifth respondent shall ensure that there is 24 hours running water supply in the toilet blocks and public are not put to any inconvenience.

6.The learned Additional Government Pleader, on instructions from the fifth respondent, submitted that the old toilet complex was constructed about 20 years back without any adequate facilities and therefore, the public of the area made a request to the first respondent and that is why a modern toilet complex has been constructed and the new toilet complex is in use for over three years.

7.The learned counsel for the petitioner submitted that the old toilet complex is in disuse and it is in a bad condition. However, the learned Additional Government Pleader, on instructions from the fifth respondent, submits that nearly Rs.2 lakhs was spent for renovation of old toilet complex by providing modern amenities. However, the photographs in page No.13 does not show that the old toilet complex has been renovated. In any event, we do not wish to go into the controversy, but, direct the



fifth respondent to ensure that the old complex is properly maintained and if any structural repairs to be done, the same shall be carried out by the fifth respondent, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District.
2. The Revenue Divisional Officer,
Thenkasi, Tirunelveli District.
3. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.
4. The Village Administrative Officer,
Vasudevanallur, Tirunelveli District.
5. The Executive Officer,
Vasudevanallur Town Panchayat,
Vasudevanallur, Tirunelveli District.

+ 1 cc TO Mr.S.Xavier Rajini , Advocate in SR No. 54206
+ 1 cc TO The Special Government Pleader in SR No. 54334

Arul

AE/SV MMS/SAR4/22.03.2018/3P/8C

W.P. (MD) No.4914 of 2018
and
W.M.P. (MD) No.4904 of 2018
08.03.2018