



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.02.2018
CORAM

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

W.P. (MD) .No.23978 of 2017
and
W.M.P. (MD) .No.20133 of 2017

A.Vins Anto

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Executive Engineer,
Water Resources Organisation,
Public Works Department,
Kodayar Basin Division,
Kanyakumari District.
- 3.The Assistant Engineer,
Water Resources Organisation,
Public Works Department,
Irrigation Section,
Mylady & Post,
Kanyakumari District.
- 4.The Executive Officer,
Anjugramam Town Panchayat,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the order of the 4th respondent vide Na.Ka.No.110/2013 dated 09.11.2015, quash the same and consequently directing the respondents to remove the urinal shed situated at South Bazar, Anjugramam, comprised in R.S.No.894/2 of Anjugramam Village, Agasteeswaram Taluk.

For Petitioner
For Respondents

: Mr.C.T.Perumal
: Mr.V.R.Shanmuganathan
Spl. Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.C.T.Perumal, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2.By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

3.The petitioner in the capacity of Chairman, Project Committee, Kodayar Basin Irrigation System, Water Resources Organisation, Public Works Department, Nagercoil, has filed this writ petition challenging the communication sent by the fourth respondent, who is the Executive Officer of Anjugramam Town Panchayat dated 09.11.2015, wherein, it is stated that the request to remove the dilapidated urinal abetting the water channel cannot be considered, but the fourth respondent would construct a pumping mechanism, so that, the polluted water does not enter the water channel and for which purpose, they will place the resolution in the council of the Town Panchayat and take a decision in the matter. The photographs, which have been produced before this Court, show a deplorable state and no person can use the place as urinal. Furthermore, it is abetting the water channel. Though the water is not very clean, the photographs show that the dirty water is seeping. The stand taken by the fourth respondent is unacceptable, since they should take immediate steps to close down the said urinal shed and action be taken against the unauthorised erection of the flex board adjoining the water channel. Thus, the fourth respondent is not administering the affairs of the Town Panchayat in a proper manner. Therefore, we do not accept the stand taken in the impugned communication.

4.Accordingly, the writ petition is allowed; the impugned is set aside and the fourth respondent is directed to demolish the dilapidated urinal shed, which is adjacent to the water channel and the respondents 2 and 3 are directed to supervise the same and the entire works shall be completed within a period of two weeks from the date of receipt of a copy of this order. The fourth respondent shall ensure that there is no urinal shed located near the water channel and the purity of the water channel should be maintained and any encroachment on the margin of the channel shall also be removed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CSIII)

(*) CORRECTED ORDER ISSUED

/True Copy/



(*) TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 12.03.2018

To **மேலாட்சி**

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Public Works Department,
Irrigation Section,
Mylady & Post,
Kanyakumari District.
- (*) 4.The Executive Officer,
Anjugramam Town Panchayat,
Kanyakumari District.**

+One cc to Mr.C.T.Perumal, Advocate, SR.No.47918

+One cc to The Special Government Pleader, SR.No.48646

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RL/6C/3P/SKN/RSK/SAR2/9/3/2018

RL/7C/3P/SKN/RK/SAR2/16/3/2018

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