

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29244/2019 & WMP.No.29047/2019

M.B.Danasekaran ... Petitioner
Versus

1.The Commissioner
Corporation of Chennai
Chennai.

2.The Zonal Officer
Zone-1, Corporation of Chennai
Thiruvotriyur, Chennai 600 019.

3.Mr.Jayaraman

4.Mrs.Suguna

5.Mrs.Indira ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.09.2019 relating to construction of public toilet near to Sri Veerasakthi Vinayagar Koil, All India Radio Nagar, Ennore, Chennai, consequently, direct the respondents 1 and 2 to choose alternative place for the construction of proposed toilet in the same locality.

For Petitioner : Mr.B.Manimaran

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ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

(1)The writ petition, styled as a Public Interest Litigation, is filed by the petitioner, who claims to be the District Secretary, Indian Press Media Club, Door, No.25, All India Radio Nagar, Ennore, Chennai-600 057, and his grievance is in Vinayagar Koil Street, there exist Sri Veerasakthi Vinayagar Temple for the past 50 years and the devotees, during festival times, used to throng the said temple and very near to the temple, a public convenience is proposed to

be constructed by the 2nd respondent and in this regard, a representation dated 25.09.2019, was submitted and despite receipt and acknowledgement, no action has been taken so far and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

(2) Heard the submission of the learned Counsel for the petitioner and also perused the materials placed before this Court.

(3) During the course of arguments, this Court has put a specific question to the learned counsel for the petitioner as to whether the temple in question is an authorised one. In response to the same, the learned counsel for the petitioner has drawn the attention of this Court to page No.9 of the typed set of documents containing photographs and it prima facie disclose that the so-called ancient temple is protruding right on the platform.

(4) The learned counsel for the petitioner is unable to give any answer as to whether the temple in question is located on the patta land and it is an authorised one.

(5) It is often said that "'Cleanliness is Godliness'" and attempt is being made by the Corporation of Chennai to construct a public convenience precisely for that purpose. In the absence of any material as to the existence of the temple on a patta land and the photographs appended to the typed set of documents available at page No.9 would prima facie disclose that it is protruding right on the platform, this Court is unable to come to the aid of the petitioner. However, if the petitioner is so advised, he is always entitled to invoke the provisions of the Right to Information Act, 2005, to know the fate of his representation.

(6) The writ petition stands dismissed subject to the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Commissioner

Corporation of Chennai
Chennai.

2.The Zonal Officer
Zone-1, Corporation of Chennai
Thiruvotriyur, Chennai 600 019.

+1cc to Mr. Soundararajan, Advocate, S.R.No. 86994

WP.No.29244/2019

MG (CO)
GN (25/11/2019)



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