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BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 11.06.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) NO. 13054 OF 2019

A.M.Sundaravel

.. Petitioner

- Vs -

1. The Chief Secretary to Government
Health Department
State of Tamil Nadu, Chennai 600 009.
2. The District Health Officer
Tirunelveli District, Tirunelveli.
3. The District Collector
Tirunelveli District
Tirunelveli.
4. The Commissioner
Tirunelveli Corporation
Tirunelveli.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing respondents to construct new toilets in the (6) six open places of new bus stand campus, Tirunelveli Corporation by considering the petitioner's representation dated 25.2.2019.

For Petitioner : Mr. A.M.Sundaravel
Party-in-Person

For Respondents : Mr. A.K.Baskarapandian,
Spl. GP for RR-1 to 3
Mr.Aayiram K.Selvakumar
for R-4

**ORDER****(Order of the Court was made by M.Sathyanarayanan, J.)**

The petitioner is appearing as Party-in-Person and claims to be a public interest litigant and he avers among other things that in the new bus stand complex located in Tirunelveli Town, there are no sufficient washroom facilities available and as a consequence thereof, the drivers and conductors of private and Government buses as well as travelling public are using the open spaces nearby to answer the nature's call, which in turn leads to health hazard, inconvenience and nuisance to the road users.

2. The petitioner, in this regard, has also submitted a representation dated 25.2.2019 to respondents 1 to 4 and despite receipt and acknowledgement of the same, no response is forthcoming and, therefore, he is constrained to approach this Court by filing this writ petition styled as 'Public Interest Litigation'.

3. Since the petitioner/party-in-person claims that he is also doing social welfare activities and also filed very many writ petitions in public interest, as party-in-person, this Court put a query as to the steps taken by him to educate the public about the civic sense and though the petitioner would claim he has done so, no material has been placed before this Court to the said effect.

4. Mr.A.K.Baskara Pandian, learned Special Government Pleader accepts notice on behalf of respondents 1 to 3 and Mr.Aayiram K.Selvakumar, learned standing counsel accepts notice on behalf of the 4th respondent and on behalf of the respondents it is submitted that there are sufficient washroom facilities available and it is assured that the said washroom facilities would be maintained in neat and sanitary condition and periodical inspection will be made by the 2nd respondent and his subordinate officials and if necessary further washroom facilities would also be provided.

5. At this juncture, it is pertinent to point out that Members of the Legislative Assembly are getting elected only to address the grievance of their electorate and even this Court comes across very many public interest litigations pertaining to basic civic issues without the persons approaching the elected representatives. The elected representatives are also under obligation to address the grievance of their electorate and as such it is open to the petitioner to submit a detailed representation along with photographs to the jurisdictional Member of the Legislative Assembly for redressal of his grievance.

6. Respondents 2 and 4 are also under obligation to provide minimum basic civic necessities to the public and they have to maintain such facilities in neat, good, healthy and sanitary conditions.



7. This writ petition is disposed of with the aforesaid observations and directions. However, there shall be no order as to costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS)

GLN

To

1. The Chief Secretary to Government
Health Department
State of Tamil Nadu, Chennai 600 009.
 2. The District Health Officer
Tirunelveli District, Tirunelveli.
 3. The District Collector
Tirunelveli District
Tirunelveli.
 4. The Commissioner
Tirunelveli Corporation
Tirunelveli.
- + 1 CC TO Mr.Aayiram.K.Selvakumar, ADVOCATE IN SR No.67828

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