



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.09.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**

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W.P. (MD)No.19372 of 2019

and

W.M.P. (MD)No.15834 of 2019

S.Shanmuga Vadivu

: Petitioner

Vs.

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent from constructing Public Toilet in the 6th Cross Street of Maharaja Nagar, Tirunelveli City and thereby, direct him to construct the Public Toilet in any other suitable and convenient place for the common and poor people to make use of it based on the petitioner's representation dated 11.03.2019.

For Petitioner

: Mr.G.Thalaimutharasu

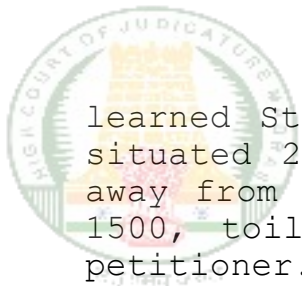
For Respondent

: Mr.Aayiram K.Selvakumar

ORDER

The petitioner is a resident of 6th Cross Street of Maharaja Nagar, Tirunelveli District. The respondent proposed to construct a public toilet near the residence. It is the contention of the petitioner that all the houses in the residential area possess well furnished toilets and, therefore, public toilet is not necessary. Hence, she made a representation along with other residents of the area to the respondent on 11.03.2019, not to construct the public toilet at Maharaja Nagar and to shift it to some other convenient place. The said representation was not disposed of and hence, the petitioner is before this Court.

2. On instructions, the learned Standing Counsel appearing for the respondent Corporation would submit that the project was launched in the year 2017-2018 for an estimation of Rs.5,00,000/- [Rupees Five Lakhs only] and that the construction is in progress upto lintel level. The Corporation decided to put up the public toilet considering the inflow of people coming to the city bus stand, VMS Marriage Hall, Highways Office, Post Office, PWD office, Indian Overseas Bank and other Commercial Establishments. The



learned Standing Counsel would further contend that the toilet is situated 20 metre away from the petitioner's house and 100 metre away from the Church. Considering the floating population of about 1500, toilet is constructed there and it will not prejudice the petitioner.

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3. When a representation is made, the officials are not expected to keep it in cold storage. The details, which were furnished to this Court, could have been given, in reply to the representation. Therefore, considering the facts and circumstances of the case, the respondent is directed to reply the representation of the petitioner dated 11.03.2019, within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

To

The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-87049[F] dated 17/09/2019)

+1 CC to M/s.AAYIRAM.K.SELVAKUMAR, Advocate (SR-87067[F] dated 17/09/2019)

Order made in
W.P. (MD) No.19372 of 2019

Dated:
16.09.2019

sml

JM/26.09.2019/2P/4C