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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.03.2022
CORAM:
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
W.P.[MD]No.3982 of 2022

Renukadevi ... Petitioner

Vs.

1. The Commissioner,
   Corporation of Madurai,
   Aringar Anna Maligai,
   Outpost, Tallakulam,
   Madurai-625 002.

2. The Assistant Commissioner,
   Zone-1,
   Corporation of Madurai,
   Near Periyar Bus Stand,
   Madurai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take appropriate action for removal of the public toilets constructed by the respondents in the patta land of the petitioner bearing Plot No.38, Survey No.64/1A, Kalankovil Street, Arapalayam Village, Harijan Colony, Madurai City.

For Petitioner : Mr.A.Saravanan
For Respondents : Mr.K.K.Kannan
Standing Counsel for R1 & R2

O R D E R
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This Writ Petition has been filed seeking for a Mandamus to direct the respondents to take appropriate action for removal of the public toilets constructed by the respondents in the patta land of the petitioner bearing Plot No.38, Survey No.64/1A, Kalankovil Street, Arapalayam Village, Harijan Colony, Madurai City.

2.It is the case of the petitioner that she is the absolute owner of the aforementioned property. But according to her, the respondents have constructed public toilets illegally in her property. The petitioner has given a representation on 28.02.2022 requesting the respondents to remove the public toilets. Since the same has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.A.Saravanan, learned Counsel appearing for the petitioner and Mr.K.K.Kannan, learned Standing Counsel who accepts notice on behalf of the respondents.

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4.No prejudice would be caused to the respondents if the petitioner's representation dated 28.02.2022 requesting the respondents to remove the public toilets in her property is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 28.02.2022 for removal of the public toilets in the petitioner's property bearing Plot No.38, Survey No.64/1A, Kalankovil Street, Arapalayam Village, Harijan Colony, Madurai City and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties which the second respondent so deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Commissioner,
   Corporation of Madurai,
   Aringar Anna Maligai,
   Outpost, Tallakulam,
   Madurai-625 002.

2. The Assistant Commissioner,
   Zone-1,
   Corporation of Madurai,
   Near Periyar Bus Stand,
   Madurai.

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+1 CC to M/s.A.SARAVANAN, Advocate (SR-10002[F] dated 04/03/2022)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-10411[F] dated 07/03/2022)

W.P.[MD]No.3982 of 2022
04.03.2022

IMS(CO)
KB(17.03.2022) 3P 5C

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