



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4345 of 2022
and W.M.P. (MD) .No.3668 of 2022

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P.Jeevanandam

.. Petitioner

Vs

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Joint Director of Medical and Rural Health Services,
Thoothukudi, Thoothukudi District.

3.The Revenue Divisional Officer,
Kovilpatti Division,
Thoothukudi District.

4.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

5.The Block Development Officer,
Puthur Panchayat Union,
Thoothukudi District.

6.The President,
Goundanpatti Panchayat,
Thoothukudi District.

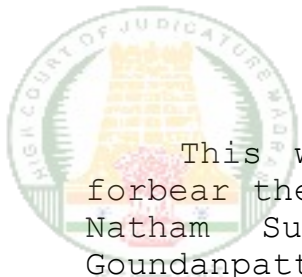
.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from establishing waste water pumping pit at Natham Survey No.217/20, admeasuring 0.218 square meter of Goundanpatti Village, Vilathikulam Taluk, Thoothukudi District, by considering the representations of the petitioner, dated 05.03.2022 and 07.03.2022 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.M.Lingadurai for R1 to R4
Special Government Pleader

Mr.A.Kannan for R5 & R6
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking to forbear the respondents from establishing waste water pumping pit at Natham Survey No.217/20, admeasuring 0.218 square meter of Goundanpatti Village, Vilathikulam Taluk, Thoothukudi District, by considering the representations of the petitioner, dated 05.03.2022 and 07.03.2022, within a time frame that may be fixed by this Court.

2.It is the case of the petitioner that he is the Principal of a School by name St.Alben's Nursery and Primary School, which is situated in Survey No.45/2, of Goundanpatti Village, Vilathikulam Taluk, Thoothukudi District. According to him, the respondents are establishing waste water pumping unit adjoining the School, which is emanating foul smell, affecting the health of the children in the School. In such circumstances, the petitioner has given representations on 05.03.2022 and 07.03.2022 to the respondents requesting them not to establish waste water pumping unit. Since the representations have not been considered till date, he has filed this writ petition.

3.Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.A.Kannan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 5 and 6.

4.On instructions, the learned Additional Government Pleader, appearing for the respondents 5 and 6 would submit that the sewage treatment plant is maintained in hygienic conditions and he denies the allegations levelled by the petitioner in his representations, dated 05.03.2022 and 07.03.2022. The same is recorded. He would also submit that the sewage treatment plant is situated in Government land and is 100 meters away from the School. The said statement is recorded.

5.However, this Court is of the considered view that since students are involved and it is the contention of the petitioner that foul smell emanates from the said sewage treatment plant affecting the health of the students, no prejudice will be caused to the respondents, if the petitioner's representations are considered on merits and in accordance with law, after affording a fair hearing to the petitioner, within a time frame to be fixed by this Court.

6.Accordingly, this Court directs the fifth respondent to consider the petitioner's representations, dated 05.03.2022 and 07.03.2022, requesting the official respondents, from establishing waste water pumping pit at Natham Survey No.217/20, admeasuring 0.218 square meter of Goundanpatti Village, Vilathikulam Taluk, Thoothukudi District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of eight weeks from the date of receipt



7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 District Collector,
Thoothukudi,
Thoothukudi District.
2. The Joint Director of Medical and Rural Health Services,
Thoothukudi, Thoothukudi District.
3. The Revenue Divisional Officer,
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5. The Block Development Officer,
Puthur Panchayat Union,
Thoothukudi District.
6. The President,
Goundanpatti Panchayat,
Thoothukudi District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11741[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12176[F] dated 15/03/2022)

W.P. (MD)No.4345 of 2022

11.03.2022

SA/22.03.2022 : 3P/9C

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