



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.8172 of 2022

Noorjahan

... Petitioner

vs.

- 1.The District Collector,
Kanyakumari District, Nagercoil.
- 2.The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil.
- 3.The Executive Officer,
Thiruvithancode Town Panchayat,
Thiruvithancode and Post, Kanyakumari District.

4.Abdul Nazar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to remove the septic tank constructed by the fourth respondent opposite to the house of the petitioner.

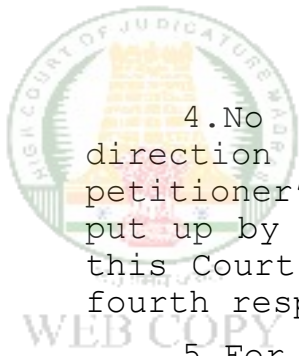
For Petitioner	:Mr.T.Perumal
For R1 and R2	:Mrs.Jeyapriya Government Advocate
For R3	:Mr.V.Nirmal Kumar Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to remove the septic tank constructed by the fourth respondent opposite to the house of the petitioner.

2.A positive direction, as sought for in this Writ Petition, cannot be granted unless and until, the fourth respondent has been heard in the enquiry proceedings pertaining to the request made by the petitioner seeking for removal of the septic tank put up by the fourth respondent. The only relief that can be granted by this Court is to consider the petitioner's representation seeking for removal of the septic tank after affording a fair hearing to the petitioner.

3.Mr.V.Nirmal Kumar, learned Government Advocate, on instructions, would submit that enquiry notice has already been issued to the petitioner as well as the fourth respondent and the fourth respondent has already submitted his explanation on 06.04.2022 with regard to the charges levelled against him with regard to the removal of the septic tank. The said statement is



4.No prejudice will be caused to the respondents, if a direction is given by this Court to pass final orders on the petitioner's representation seeking for removal of the septic tank put up by the fourth respondent within a time frame to be fixed by this Court after affording a fair hearing to the petitioner and the fourth respondent.

5.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation seeking for removal of the septic tank put up by the fourth respondent opposite to the house of the petitioner after affording a fair hearing to the petitioner and the fourth respondent including granting them the right of personal hearing within a period of eight weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Assistant Director of Town Panchayats,
Collectorate Campus, Nagercoil.

3.The Executive Officer,
Thiruvithancode Town Panchayat,
Thiruvithancode and Post, Kanyakumari District.

+1 CC to M/s.C.T. PERUMAL, Advocate (SR-21539[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP. (SR-21867[F] dated 27/04/2022)

Order made in
W.P. (MD)No.8172 of 2022
26.04.2022

SA(19.05.2022) 2P 6C