



WEB COPY



W.P.No.5800 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.5800 of 2023

Norton-West Circular Road Residents
Welfare Association – Mandavelipakkam,
No.12, Norton First Street,
Mandavelipakkam,
Chennai – 600 028
rep. by its Secretary Devaki Thiyagarajan.

.. Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Municipal Administration & Water Supply Dept.,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Greater Chennai Corporation,
Ripon Building, Chennai-600 003.

3.The Assistant Commissioner,
Zone – 9, Ward No.126,
Greater Chennai Corporation,
Mandavelipakkam,
Chennai- 600 028.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the representation submitted by the petitioner association dated 29.12.2022 to desist from constructing toilet within the residential area, detrimental to the interest of residents of Mandavelipakkam and consequently directing the respondents to utilize the land for locating Aavin Booth, Anganwadi Centre or for any other purpose to the benefit of general public including the residents of Mandavelipakkam in replacement of public toilet and fish stall.

For the Petitioner : Mr.G.Sankaran
Senior Counsel
for Mr.S.Bharathirajan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent No.1

: Mr.N.R.Ramesh Kanna
for respondents 2 and 3

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Norton-West Circular Road Residents Welfare Association –
Mandavelipakkam, represented by its Secretary, Devaki
Thiyagarajan, has filed this writ petition seeking issuance of a writ



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of mandamus directing the respondents to consider the representation submitted by the petitioner association dated 29.12.2022 to desist from constructing toilet within the residential area, detrimental to the interest of the residents of Mandavelipakkam and consequently directing the respondents to utilize the land for locating Aavin Booth, Anganwadi Centre or for any other purpose to the benefit of general public, including the residents of Mandavelipakkam, in replacement of public toilet and fish stall.

2. Mr.G.Sankaran, learned Senior Counsel appearing on behalf of the petitioner, would submit that the petitioner association is a registered association having Registration No.207/2001. The petitioner association is prejudiced by the construction of toilet within the residential area. It is submitted that Mandavelipakkam is located adjoining Mylapore Sri Kapaleeswarar Temple and is a well-planned residential layout originally approved by the department concerned prior to independence in the year 1946. A public toilet and fish stall were constructed as proposed in the Mandavelipakkam



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layout. However, by efflux of time, it is pleaded that the said facilities have become a menace to the residents of Mandavelipakkam.

3. It is further submitted by learned Senior Counsel appearing for the petitioner association that recently the public toilet was demolished by the officials of the respondent Corporation, as the same was in a dilapidated condition. The petitioner association was informed that the respondent Corporation has taken a decision to reconstruct the toilet in the same place with allocation of fund for the same. It is the plea of the petitioner association that public toilet is no more required in the area surrounded by residential houses and the said land may be utilized for locating Aavin Booth, Anganwadi Centre or for any other purpose to the benefit of general public. Ventilating their grievance, the petitioner association sent a representation to the respondents on 29.12.2022. As the said representation did not evoke any response, the petitioner association has been advised to file this writ petition.



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4. Mr.N.R.Ramesh Kanna, learned counsel appearing on behalf of respondents 2 and 3, would submit that the existing public toilet was demolished, as it was in a dilapidated condition, and the respondent authorities have not taken any decision to reconstruct the public toilet in the residential area and, therefore, the apprehension expressed by the petitioner does not merit consideration. The said submission is recorded.

5. Considering the fact that the representation of the petitioner dated 29.12.2022 is pending consideration before the respondent authorities and that the respondent authorities have not taken any decision on the representation till date, we hereby dispose of the writ petition with a direction to the second respondent to consider the representation of the petitioner association dated 29.12.2022 and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order, of course, after affording an opportunity of personal hearing to the representatives of the petitioner association.



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There will be no order as to costs. Consequently,
W.M.P.No.5789 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
27.02.2023

Index : No
Neutral Citation : No
sasi

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration & Water Supply Dept.,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Commissioner,
Greater Chennai Corporation,
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- 3.The Assistant Commissioner,
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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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