



WEB COPY



W.P.No.15634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.No.15634 of 2023
and W.M.P. No.15124 of 2023

D.Rajkumar

..Petitioner

Vs

- 1.The Collector,
Tiruppur District, Tiruppur.
- 2.The Assistant Director of Panchayat,
Tiruppur Collocotrate Campus,
Tiruppur.
- 3.The Block Development Officer,
Pongalur Panchayat Union,
Pongalur, Tiruppur South Taluk,
Tiruppur District.
- 4.The Executive Officer,
Village Panchayat,
South Avanashipalayam Village,
Tiruppur South Taluk,
Tiruppur District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from constructing the public toilet in the poramboke land situated very near Vinayakar temple, public library and in front of the house of the petitioner in Avanashipalayam Village, Tiruppur South Taluk.



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For Petitioner : Mr.S.Doraiswamy
For Respondents : Mr.N.Naveen Kumar,
Government Advocate

ORDER

Mr.N.Naveen Kumar, learned Government Advocate takes notice for the respondents.

2. Let the petitioner be issued with notice and the petitioner may give his objections relating to construction of public toilet and bathing house within 40 metres from Vinayagar temple.

3. Learned Government Advocate for the respondents justifies the construction of the toilet stating that many people come to the library which is situated adjacent. This statement is, however, contested by the learned counsel for the petitioner by stating that the library has been closed for the past twenty years.

4. The respondents' decision will have to be re-examined and a considered decision will have to be taken by the respondents. The respondents may therefore issue notice to the petitioner and without considering the representation of the petitioner may not proceed further with construction of toilet/bathing house. The



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petitioner may put forth all objections. They must be considered and thereafter an order with reason should be passed, if at all a decision is again maintained to construct the toilet and bathing house. The respondents may keep in mind the assertion that the Temple is situated close by and the assertion that the library is not functioning for the past twenty years.

5. The writ petition stands disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

18.05.2023

Index: Yes/No
Neutral Citation: Yes/No
mmi/kmk

To

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