



W.P.No.16014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16014 of 2023

J.Prasad

.. Petitioner

Vs

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Tahsildhar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.

3.The Block Development Officer,
Villivakkam Block,
Thiruvallur District.

4.Dr.M.G.R. Educational And Research Institute University,
rep. by its Chairman/President,
Poonamallee High Road,
Vishwas Nagar,
Maduravoyal, Chennai-600 095.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the respondents 1 to 3 from demolishing or removing the Public Toilet which was constructed and situated at Padasalai Street, Adayalampattu Village, Poonamallee Taluk, Thiruvallur District by considering the petitioner's representation dated 08.5.2023.

For the Petitioner : Mr.A.Ilaya Perumal

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 to 3

: Mr.B.Radhakrishnan
for 4th respondent

ORDER

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

Heard Mr.A.Ilaya Perumal, learned counsel for the petitioner; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 to 3; and Mr.B.Radhakrishnan, learned counsel for the fourth respondent.

2. The writ petition is filed on the ground that the public toilets have been constructed by the authorities and now they are trying to remove it.



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3. Learned Special Government Pleader submits that the public toilets were constructed in Survey Nos.40/1, 40/3 and 39/1B. As far as Survey No.40/1 is concerned, the same is a pathway. Survey Nos.40/3 and 39/1B are patta lands owned by the fourth respondents.

4. Certainly, the public toilets could not have been constructed on the pathway and the patta lands of private persons.

5. Learned Special Government Pleader submits that the government authorities will identify the government poramboke lands for construction of the public toilets and thereafter only the public toilets constructed on the pathway and the patta lands will be removed.

6. In fact, the authorities are dealing with public funds. They have to be extra careful while spending the public funds. They cannot be heard to say that by mistake the public toilets were constructed on the pathway and the patta lands. The public funds



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cannot be allowed to be wasted in such a casual manner. At the same time, the land of the private persons cannot be allowed to be used for such purposes without their consent.

7. In the light of the above, the respondent authorities may identify the land for construction of the public toilets within six weeks from today and construct the public toilets expeditiously on the said identified place near the vicinity of the public toilets already constructed on the pathway and the patta lands. The respondent authorities shall thereafter demolish the public toilets on the pathway and the patta lands.

With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.15454 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
sasi



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To:

WEB COPY

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Thiruvallur.
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- 3.The Block Development Officer,
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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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