



W.P.No.30258 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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V.Jothiraman

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by Chief Secretary to Government
Housing and Water Management Department
Fort St. George, Chennai 600 009.
2. The President
Tamil Nadu Water and Drainage Board
Chennai.
3. The District Collector of Villupuram
Villupuram.
4. The Deputy Director (Public & Health Services)
And Preventive Disease Department
Villupuram.
5. The Municipal Commissioner
Tindivanam Municipality, Tindivanam
Tindivanam Taluk, Villupuram District.



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6. The Town Council President
Tindivanam Municipal Office
Tindivanam, Villupuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records pertaining to the order dated 28.10.2022 made in Na.Ka.No.4864/2022 F1 passed by the 5th respondent and to quash the same and to forbear the 5th respondent from constructing Sewerage Treatment Plant in Ward No.24, Tindivanam Municipality, Indira Nagar Children's Park and bore-well near to the overhead water tank in Town Survey No.279 at Indira Nagar, Tindivanam Town, Villupuram District, which is in violation of Section 32 of the Tamil Nadu Public Health Act, 1939.

For the Petitioner : Mr.T.Dhanasekaran

For the Respondents : Mrs.R.Anitha
Special Government Pleader
for Respondents 1, 3 & 4

Mr.P.V.S.Giridhar
Senior Counsel
For Mrs.Y.Kavitha
for Respondent-2

Mr.P.Srinivas
for Respondent-5

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.T.Dhanasekaran, learned counsel for the petitioner, Mrs.R.Anitha, learned Special Government Pleader for the



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respondents 1, 3 and 4, Mr.P.V.S.Giridhar, learned Senior Counsel for Mrs.Y.Kavitha, learned counsel for the second respondent and Mr.P.Srinivas, learned counsel for the fifth respondent.

2. Learned counsel for the petitioner submits that the respondent authorities are constructing Sewerage Treatment Plant in Ward No.24, Tindivanam Municipality on the area meant for Children's Park. According to learned counsel, no construction activity could be carried out on the site reserved for Children's Park. The respondents may be directed to construct the Sewerage Treatment Plant in another place.

3. Learned counsel for the Corporation and other respondents submit that the space of the Park in Indira Nagar layout is partly occupied by a temple and the community hall constructed by the residents of the layout without any approval. In fact, the writ petition cannot be entertained on behalf of the petitioner as he himself is guilty of laches.



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4. Be that as it may, what is sought to be constructed is the Sub Pumping Station covering an area of 4358 sq.ft. It is also clarified by the respondent Corporation that site to an extent of 4360 sq.ft. in the adjoining Mahatma Gandhi Nagar has been identified for play area. The said site is less than 200 meters from the park site in Indira Nagar and it is suitable for the purpose of formation of the Children Play space and park. The same would be developed into a park. In the near future, tender would be issued for the development of the same.

5. In the light of the above, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.29688 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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