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W.P.No.26347 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26347 of 2024
and
W.M.P.No.28793 & 28795 of 2024

T.Eswari

.... Petitioner

Vs

1. The District Collector,
The Collector Office,
Tiruppur District – 641 604.

2. The Divisional Engineer,
Office of the Divisional Engineer,
Highways Department C & M Division,
No.21, Alangiyam Salai,
Dharapuram – 638 656.

3. The Assistant Divisional Engineer,
Office of the Assistant Divisional Engineer,
Udumalaipettai Sub Division (H),
Udumalaipettai,
Tiruppur District – 642 154.

4. The Tahsildar,
Tahsildar Office,
Udumalaipettai,
Tiruppur District – 642 126.

5. The Block Development Officer,
Block Development Office,
Gudimangalam, Udumalaipetti Post,
Tiruppur District – 642 201.



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6. The President,
Somavarapatti Village Panchayat,
Madathukulam Taluk, Tiruppur District – 642 205.

7. Vimala Soundhararajan
The President,
Somavarapatti Village Panchayat,
Madathukulam Taluk, Tiruppur District – 642 205. Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the 1 to 5 respondents to consider the representation of the petitioner dated 29.08.2024 and accordingly direct to the 6th and 7th respondents to remove the unauthorised construction activities going on in front of petitioner house.

For Petitioner	: Mr.P.Nethaji
For R1 to R4	: Mr.N.Naveen Kumar Standing Counsel
For R5	: Mr.G.Nanmaran Special Government Pleader
For R6 & R7	: Mr.D.R.Arun Kumar

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 5 to consider the representation submitted by the petitioner dated 29.08.2024, not to put up any construction in front of his house by the sixth and seventh respondents.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



3. The petitioner owned the property comprised in F.S.No.217/2, Udumalaipettai Taluk, Somavarapatti Revenue village, admeasuring 1653 sq.ft, and she constructed a house. While being so, the fifth and sixth respondents intended to put up a toilet in front of the petitioner's house. In fact in the year 2021, they had put up the temporary fencing and as such, the petitioner submitted an application to remove the fencing put up in front of her house. On enquiry, it was found that there was fencing put up by the fifth and seventh respondents.

4. The learned counsel appearing for the petitioner submitted that in the panchayat, there are four toilets put up by the fifth and seventh respondents and now put up construction for public toilet. He further submitted that the said land is belonging to Highways Department and already the request for construction of public toilet was rejected by a communication dated 09.11.2023 by the Highways Department. The fifth and sixth respondents are now constructing the public toilet.

5. On instructions, the learned Government Advocate submitted that the subject land is owned by the Highways Department



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and it is located near the four road junction of Somvarappatti Village, wherein, Pethappampatti bus stop is situated belongs to the Highways Department has been constructed facing north in the State Highways 21. As the bus stop is in the midst of many small villages in and around Pethappampattai Firka, it has been suddenly used for common public for transportation. Therefore it is crowded and common public used to wait for their buses in the bus stop. The petitioner house is located in the Vijayammal Layout of Somavarppatti Village which is right behind the said Pethappampatti Bus Stop.

6. In fact, the petitioner had put up fencing south and east in her earmarked site of Vijayammal Layout and her pathway is located southern direction which lies on the parallel road of the bus stop. Further, there was no proper toilet facilities nearby the bus stop. Therefore, the request of the general public to construct a common toilet near the bus stop was considered and after inspection, the first respondent had chosen the place for public toilets for both genders.

7. That apart, already the request made by the general public before the Highways Department was rejected. Now, the fifth and



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sixth respondents were granted permission by the Highways Department to put up public toilet since nearby the bus stop the public toilet to be constructed for the purpose of general public. Therefore, this Court finds no merits in this writ petition and the request made by the petitioner cannot be considered.

8. Accordingly, this writ petition stands dismissed. It is made clear that if any water connection of the petitioner is disconnected, while constructing the public toilet, the fifth and sixth respondents are directed to restore the water connection forthwith. Consequently, connected miscellaneous petitions are closed. No costs.

06.09.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
Lpp

To

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