



W.P. (MD) No.572 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.572 of 2024
and W.M.P. (MD) No.590 of 2024**

Sathiya Bama

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. By its Principal Secretary,
Secretariat, St. George Fort,
Chennai.
2. The District Collector,
Virudhunagar District,
Virudhunagar.
3. The Block Development Officer,
Office of the Block Development Office,
Sivakasi.
4. The President
Maaraneri Panchayat,
Maaraneri Village,
Sivakasi Taluk,
Virudhunagar District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to forbear the respondents from proceedings with construction of Public toilet in reserved site nearby in Survey No.526/15 Maaraneri, Sivakasi Taluk, Virudhunagar District and construct the same in nearby poromboke land based on the representation dated 19.12.2023 and dispose the same.

For Petitioner : Mr.P.Krishnasamy

For R1 & R2 : Mr.P.Thilakkumar
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of writ of mandamus to forbear the respondents from proceedings with construction of public toilet in reserved site nearby in Survey No.526/15 Maaraneri, Sivakasi Taluk, Virudhunagar District and construct the same in nearby poromboke land based on the representation dated 19.12.2023.

2. The learned counsel for the petitioner would submit that the petitioner is residing in the aforesaid address with the family for several



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decades. The respondents 2 and 3 got sanction to construct public toilet in the middle of the layout and it will be hindrance for not only the petitioner but also the other villagers, who are residing nearest the layout. According to them, the abovesaid toilet is going to be constructed by the respondents 2 and 3 in Survey No.526/15, which is situated adjacent to the house of the petitioner. The petitioner has sent a representation dated 19.12.2023 in this regard. Since the same has not been considered, the present Writ Petition has been filed.

3. The learned Government Pleader appearing for the respondents 1 and 2 would submit that the land in Survey No.526/18 is a patta land and Survey No.526/15 is poramboke land and therefore, as per the Central Government scheme, the respondents 2 and 3 got sanction to construct public toile in Survey No.526/15 and the petitioner cannot have any legal right to prevent construction of toilet in the abovesaid place. Therefore, the writ petition is liable to be rejected.

4. Considering the above said submission, we are of the view that the respondents are taking steps for construction of the public toilet only in



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the Government land and therefore, even if the petitioner has objection since it is adjacent to the petitioner's residential property, the said submission cannot be accepted by this Court. These are all the issues to be decided by the authorities concerned and it cannot be decided under Article 226 of Constitution of India unless the petitioner has placed materials to prove the violation of fundamental rights under Constitution of India.

5. In view of the above, we are not satisfied to entertain this Writ Petition. However, the respondents shall take note of the representation sent by the petitioner dated 19.12.2023.

6. In fine, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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