



W.P(MD)No.722 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.722 of 2023

M.Mani

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Madurai District.

2.The Tahsildar,
Melur Taluk,
Madurai District.

3.The Block Development Officer (Village Panchayat),
Block Development Office,
Melur Taluk,
Madurai District.

4.The Panchayat President,
Uranganpatti Panchayat,
Melur Taluk,
Madurai District.

5.Kalaimathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the Respondents No. 1 to 4 from constructing public toilet in southern side in S.No. 258/12B2, Kottanipatti, Uranganpatti Village, Melur Taluk, Madurai District allotted for



W.P(MD)No.722 of 2023

communal purpose and where a temple and drinking water tank is also located.

WEB COPY

For Petitioner : Mr.M.Mahaboob Fazil

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R1 & R2

: Mr.S.Kameshwaran
Government Advocate for R3 & R4

: Mr.R.J.Karthick for R5

ORDER

This writ petition was filed to forbear the respondents from constructing the public toilet in the petition mentioned site. The stand of the petitioner's counsel is that the toilet is to come up near a tree that is being worshipped by the members of the locality and also the water tank.

2. Finding *prima facie* merits in the petitioner's counsel's contentions, interim injunction was granted. To vacate the same, W.M.P.(MD)No.13093 of 2024 has been filed.

3. The learned Additional Government Pleader appearing for the official respondents submitted that 80% of the work has already been completed. The photographs produced by the respondents bear this out. It is further undertaken



W.P(MD)No.722 of 2023

by the official respondents that an appropriate partition will be created. It is further stated that the partition will come up at the site where the toilet is under construction so that this 15 feet distance is maintained. The partition will be of tin sheet and it will be having a height of not less than 10 X 10 feet. The toilet has to be maintained with utmost cleanliness. Ambience around the tree should not be spoiled at any cost. Tree also should not be cut down for any reason. This direction now issued will be continuing in the nature of mandamus.

4. The Writ Petition is disposed of accordingly. No costs.

22.07.2024

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

To

- 1.The District Collector,
O/o.The District Collector,
Madurai District.
- 2.The Tahsildar,
Melur Taluk,
Madurai District.
- 3.The Block Development Officer (Village Panchayat),
Block Development Office,
Melur Taluk,
Madurai District.

G.R.SWAMINATHAN, J.



W.P(MD)No.722 of 2023

rmi

4. The Panchayat President,
Uranganpatti Panchayat,
Melur Taluk,
Madurai District.

W.P(MD)No.722 of 2023

22.07.2024