



W.P(MD)No.6497 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6497 of 2024

and

W.M.P.(MD)No.6077 of 2024

P.Selvi

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent from put up a construction of new public toilet in front or near to the petitioner's house site property in Town Survey No.1206/2B situates in Ward No.81, Annathoppu, Madurai Town and District by considering her representation dated 05.03.2024 within the stipulated period.

For Petitioner : Mr.R.Venkatesan,
For M/s.Right Law Associates.

For Respondent : Mr.K.K.Kannan,
Standing Counsel.



W.P(MD)No.6497 of 2024

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ORDER

Heard both sides.

2.The petitioner is the owner of the petition mentioned house site property. She wants this Court to restrain the local body from constructing a new public toilet.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that if the construction is put up, it will completely block the petitioner's frontage and her access. The petitioner offered an alternative site which is also in the vicinity for putting up the public toilet.

4.I am not in a position to grant relief to the petitioner for the simple reason projected by the learned standing counsel. It is pointed out that a public toilet was already in existence in the very same spot for over 35 years. It became dilapidated. Owing to expansion of road, it had been demolished. In order to cater to the requirements of the residents of locality, new public toilet is proposed to put up. Only the construction is new. There was already a toilet



W.P(MD)No.6497 of 2024

existing in the very same spot. It is not as if the petitioner's rights are going to be infringed for the first time. In any event, the toilet is not being constructed on the petitioner's patta land. The petitioner cannot restrain the respondent / local body from putting up a public amenity in a public place. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

18.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.6497 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.6497 of 2024

18.04.2024