



W.P.(MD) No.1140 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.1140 of 2018

P.Nagarajan

... Petitioner

/vs./

1.The District Collector,
at Nagercoil,
Kanyakumari District.

2.The Assistant Director of Panchayat,
Nagercoil Region,
Kanyakumari District.

3.The Executive Officer,
Puthukadai Panchayat Union,
Kanyakumari District.

4.The Health Inspector,
Government Primary Health Centre,
Munchirai,
Puthukkadai Post 629 171,
Kanyakumari District.

5.Soman @ Salamon

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing 1st to 4th the respondents to take appropriate steps to install the septic tank situated at the 5th respondent house to some other place which is installed in violation of the provisions under section 32(1) of the Tamil nadu Public Health Act and Government Circular by considering the representation of the petitioner dated 15/11/2015 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For R1 to R4 : No appearance

For R5 : Mr.N.Subramani

ORDER

The petitioner has filed this writ petition for a Mandamus to direct the respondents 1 to 4 to take appropriate steps to install the septic tank situated at the fifth respondent house to some other place, which is installed in violation of the provisions under Section 32(1) of the Tamil Nadu Public Health Act, 1939, and Government Circular by considering the representation of the petitioner dated 15/11/2015.



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2.The writ petition is of the year 2018. None of the respondents have filed their counter, although they are present.

3.The learned counsel for the petitioner submits that the fifth respondent is letting out a sewage from the fifth respondent's house, which stagnates into the petitioner's compound and thereby pollutes the groundwater and has raised serious health issues.

4.The learned counsel for the petitioner has drawn attention to the undated communication of the fourth respondent addressed to the third respondent asking the third respondent to take steps to ameliorate the situation arising out of the stagnation of the sewage water coming out of the fifth respondent's septic tank.

5.It is submitted that the third respondent has also responded as early as 27.11.2015 stating that appropriate action should be taken against the fifth respondent for not removing the septic tank as it causes nuisance to the petitioner.



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6.It is the responsibility of the third respondent to ensure that the residents do not let out the sewage water to the neighbourhood's property or cause water borne disease.

7.Considering the same, I direct the third respondent to take immediate steps in accordance with the provisions of the Tamil Nadu Public Health Act, 1939, within a period of 30 days from the date of receipt of a copy of this order. Liberty is also given to the petitioner to approach the Civil Court to restrain the fifth respondent for appropriate relief.

8.With the above directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No

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Internet : Yes / No

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To

The District Collector,
at Nagercoil,
Kanyakumari District.

4/5



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C.SARAVANAN, J.

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