



W.P.(MD)No.370 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.370 of 2018

R.Duraipandi

... Petitioner

versus

The Commissioner,
Madurai City Municipal Corporation,
Madurai.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to remove the steel framed latrine from the petitioner's property in Old Door No.25, New Door No.33, Survey Ward No.6, Then Corporation Ward No.30, at present Ward No.84 in Town Survey No.998 situated at West Chithirai Street, Madurai, by considering the petitioner's representation dated 08.12.2017 within the period that may be stipulated by this Court.

For Petitioner : No appearance



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For Respondent : Mr.F.Deepak,
Standing Counsel

ORDER

The grievance of the petitioner is that the respondent has put up a steel framed latrine in the petitioner's property in Old Door No.25, New Door No.33, situated at West Chithirai Street, Madurai. He has filed this writ petition seeking a Mandamus, to direct the respondent to remove the steel framed latrine by considering his representation dated 08.12.2017.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.

3. The learned Standing Counsel appearing for the respondent, by referring the counter affidavit, submits that this toilet is kept only in T.S.No.995, which is a Corporation property. The Corporation has identified the place and put up the toilet, without affecting the petitioner's property. He further submits that as per the direction of this



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Court, survey was conducted on 22.01.2018 after giving due notice to the petitioner and during the survey, the petitioner and his counsel were present. The toilet is an automatic bio-toilet and the same has been erected for maintaining the cleanliness of Madurai City.

4. This Court perused the materials placed on record.

5. This Court, by order dated 17.01.2018, has passed the following order:

“4. In the said circumstances, without going into the rival contention, this Court is of the view that if the Corporation locate the toilet in front of the petitioner's house, definitely it will cause inconvenience to the petitioner. In the above circumstances, the respondent is directed to find out any suitable alternative place to locate the toilet instead of locating the same in front of the petitioner's house and file a report in that regard within a period of two weeks from the date of receipt of a copy of this order.”



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6. The respondent has claimed that they have conducted survey in the presence of the petitioner and his counsel on 22.01.2018 and this toilet is placed in Survey No.995, which is a corporation land.

7. If the respondent has put up the toilet in front of the petitioner's house, it would certainly diminish the value of the petitioner's property. The Corporation, under the guise of providing cleanliness of the city, is not entitled to diminish the value of the property of the individuals. The respondent is to identify an unobjectionable place for erection of toilets and for keeping dustbins. The respondent shall identify the unobjectionable place and to remove the toilet from the petitioner's place.

8. Accordingly, this writ petition is disposed of. No costs.

25.03.2024

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



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B.PUGALENDHI, J.

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