



W.P.(MD)No.27722 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.27722 of 2023
and
W.M.P(MD)No.23839 of 2023**

M.Mohamed Mubis

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai,
Sivagangai District.

2.The Executive Officer,
O/o.the Town Panchayat,
Ilayankudi,
Sivagangai District.

3.The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
Public Works Department
(Water Resource Department),
Old Travellers Bungalow,
Paramakudi Road,
Ilayankudi,
Sivagangai District.

... Respondents



W.P.(MD)No.27722 of 2023

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the respondents their subordinates and men from constructing public toilet in Survey No.12/714, adjacent to the Thamaraimadai irrigation Channel which is running near Kamarajar Salai Junction, Ilayangudi, Sivagangai District by considering the petitioner's representation dated 27.10.2023.

For Petitioner : Mr.M.U.Shameem John

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner's apprehension is that on account of the petition mentioned public toilet, pollution will be caused to the adjacent Thamarai Madai irrigation channel.

3.To address this issue, we called upon the local body to file a status report. Today, status report has been filed. Paragraph 5 of the status report reads as follows:

“5. I respectfully submit that the following steps shall be taken to ensure that the wastes in the toilet shall not



W.P.(MD)No.27722 of 2023

be put into the channel now running in S.No.12. It is proposed to link the toilet with the septic tank located at a distance of 500 meters adjoining the Town Panchayat Office with cement pipes and the cement pipes will be put on the road margin without causing any hindrance to any public. The above arrangement shall be ensured by the Town Panchayat.”

Thiru.R.Gopinath, Executive Officer of the local body is present in person. He categorically states that even though public toilet is to come up near the water tank, the said water tank lying in an unused condition for the last 10 years. There is also no borewell located near the spot. It is further undertaken by the local body that the construction of the public toilet will not cause any pollution in the surrounding.

4.Recording this undertaking, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
04.01.2024

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



W.P.(MD)No.27722 of 2023

To

WEB COPY

- 1.The District Collector,
Collectorate,
Sivagangai,
Sivagangai District.
- 2.The Executive Officer,
O/o.the Town Panchayat,
Ilayankudi,
Sivagangai District.
- 3.The Assistant Executive Engineer,
O/o. The Assistant Executive Engineer,
Public Works Department
(Water Resource Department),
Old Travellers Bungalow,
Paramakudi Road,
Ilayankudi,
Sivagangai District.



WEB COPY



W.P.(MD)No.27722 of 2023

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

W.P(MD)No.27722 of 2023

and

W.M.P(MD)No.23839 of 2023

04.01.2024