



W.P.(MD).No.3042 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3042 of 2025

and

W.M.P.(MD)No.2114 of 2025

Lalitha Sri

... Petitioner

Vs.

- 1.The Commissioner of Municipal
Administration,
Directorate of Municipal Administration,
Chennai.
- 2.The District Collector,
Karur District,
Collectorate,
Karur.
- 3.The Regional Director,
Municipal Organisation,
Salem
- 4.The Commissioner,
Kulilthalai Municipality,
Kulithalai,
Karur District.
- 5.The Assistant Engineer,
Tamil Nadu Water Resources Department,
Periyapalam,
Kulithalai,
Karur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records in respect of the proceedings of the 4th respondent in Naa.Kaa.No. 25/2025/E1, dated 10th January 2025 and quash the same and further pass a direction forbearing the 4th respondent from proceeding with the construction of public toilet on the northern side in-front of the petitioner's house situated in Town Survey No.85/4 (Old Survey No.37/5B2) at Door No. 33, Sangilirayan Kovil Street, Manathattai, Kulithalai, Karur District.

For Petitioner : Mr.R.M.Sivakumar

For R-1 to R-3 & R-5 : Mr.S.Kameswaran,
Government Advocate

For R-4 : Mr.A.N.Ramanathan

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed seeking to call for the records in respect of the proceedings of the 4th respondent in Naa.Kaa.No.25/2025/E1, dated 10th January 2025 and quash the same and further pass a direction forbearing the 4th respondent from proceeding with the construction of a public toilet on the northern side in-front of the petitioner's house situated in Town



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Survey No.85/4 (Old Survey No.37/5B2) at Door No.33, Sangilirayan Kovil Street, Manathattai, Kulithalai, Karur District.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.

4.The claim of the learned counsel for the petitioner is that the said impugned order has been passed by the 4th respondent municipality by violating the order passed by this Court in W.P.(MD)No.897 of 2025 and without giving him an opportunity of hearing. This Court, in the same matter in W.P.(MD)No.897 of 2025, by an order dated 09.01.2025, has directed the respondents to refrain from continuing the construction of the toilet complex till the consideration the representation of the petitioner dated 02.01.2025. However, the petitioner was not given an opportunity of hearing and the said representation has been considered and rejected.

5.Considering the plight of the petitioner, the impugned order is hereby quashed and remanded back to the 4th respondent municipality to pass appropriate orders in accordance with after giving an opportunity of hearing to the petitioner. The impugned order may be treated as the show



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cause notice and the petitioner is directed to appear before the 4th respondent municipality on 07.02.2025 and the fourth respondent municipality is directed to give an appropriate opportunity of hearing to the petitioner to ventilate his grievance and thereafter pass appropriate orders in accordance with law. Till then the construction may not be proceeded.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 31.01.2025.

To

1. The Commissioner of Municipal
Administration,
Directorate of Municipal Administration,
Chennai.

2. The District Collector,
Karur District,
Collectorate,
Karur.



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3.The Regional Director,
Municipal Organisation,
Salem

4.The Commissioner,
Kulilthalai Municipality,
Kulithalai,
Karur District.

5.The Assistant Engineer,
Tamil Nadu Water Resources Department,
Periyapalam,
Kulithalai,
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L.VICTORIA GOWRI, J.

Sml

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