



W.P.(MD)No.11711 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11711 of 2025

Christal Bai

: Petitioner

Vs.

1. The Commissioner,
Kollemcode Municipality,
Kollemcode Post,
Kanyakumari District.

2. The Deputy Director,
Health Department,
Krishnan Koil,
Nagercoil and Post,
Kanyakumari District.

3. Paulraj

4. Bismi

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to take further action in accordance with law for the abatement of nuisance caused by the 3rd and 4th respondents without complying the Sanitary Inspector's notice dated 09.07.2024.



W.P.(MD)No.11711 of 2025

WEB COPY

For Petitioner : Mr. M.P.Hariprasad

For Respondents : Ms.Surya Kumari

Standing Counsel for R1

Mr.V.Om Prakash

Government Advocate for R2

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to take further action in accordance with law for the abatement of nuisance caused by the respondents 3 and 4 without complying the Sanitary Inspector's notice dated 09.07.2024.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 3 and 4 is dispensed with.

3. Alleging that due to improper arrangements made by the respondents 3 and 4 in their rental dwelling houses, human excreta has



W.P.(MD)No.11711 of 2025

WEB COPY

been discharged into nearby properties, including that of the petitioner, the petitioner submitted a detailed representation to the first respondent, requesting proper maintenance of the waste pits by providing concrete coating and covering the top with suitable lids. However, as no action has been taken, the petitioner has now approached this Court by filing the present Writ Petition.

4.The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the first respondent to consider the representation of the petitioner dated 06.06.2024 and pass appropriate orders, within a time frame that may be stipulated by this court.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the



W.P.(MD)No.11711 of 2025

WEB COPY

Constitution of India and direct them to consider the same within a stipulated time.

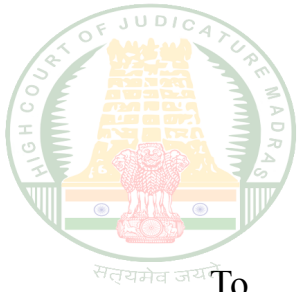
6. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 06.06.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

7. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

28.04.2025

Index : Yes / No
Internet : Yes / No

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W.P.(MD)No.11711 of 2025

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WEB COPY

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W.P.(MD)No.11711 of 2025

VIVEK KUMAR SINGH, J.

PKN

W.P.(MD) No.11711 of 2025

28.04.2025