



W.P.(MD)No.31004 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.11.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

**W.P.(MD).No.31004 of 2025**

**and**

**W.M.P(MD)No.24203 of 2025**

D.Indumathi

... Petitioner

Vs.

1. The District Collector,  
Kanyakumari District.
2. The District Health Officer,  
Office of the District Health Officer,  
Kanyakumari District.
3. The Assistant Director of Panchayat,  
Office of the Assistant Director of Panchayat,  
Kanyakumari District.
4. The Assistant Engineer,  
Suseendram Town Panchayat,  
Suseendram,  
Nagercoil,  
Kanyakumari District.
5. The President/Executive Officer,  
Suseendram Town Panchayat,  
Suseendram,  
Nagercoil,  
Kanyakumari District.



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6. Inbamuthu

7. Sindhu

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of MANDAMUS directing the 4<sup>th</sup> respondent to inspect the house of the petitioner and septic tank of respondents 6 and 7 and its condition and damage caused to the house of the petitioner, pending disposal of the above writ petition.

|                |                               |
|----------------|-------------------------------|
| For Petitioner | : Mr.K.Appadurai              |
| For R1 to R4   | : Mr.D.Sasi Kumar             |
|                | Additional Government Pleader |
| For R5         | : Mr.K.R.Badurus Zaman        |

### **ORDER**

This writ petition has been filed for a Mandamus to direct the 4<sup>th</sup> respondent to inspect the house of the petitioner and septic tank of respondents 6 and 7 and assess its condition and damage caused to the house of the petitioner, pending disposal of the above writ petition.

2. Mr.D.Sasi Kumar, learned Additional Government Pleader, takes notice on behalf of the respondents 1 to 4 and Mr.K.R.Badurus Zaman, learned Government Advocate takes notice on behalf of the 5<sup>th</sup> respondent.



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3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself. Since no adverse orders are to be passed against the 6<sup>th</sup> and 7<sup>th</sup> respondents, notice to them are dispensed with.

4. The facts as set out in the affidavit filed in support of the writ petition reads as follows:-

The petitioner would submit that she is the owner of the property bearing Door.No.20/83 B8, Karkadu, Sussedram Post, Nagercoil, Kanyakumari District. The respondents 6 and 7 herein are the husband and wife, who are living behind the petitioner's property. Due to improper maintenance of the septic tank of the 5<sup>th</sup> and 6<sup>th</sup> respondents, the waste water from the septic tank entered into the petitioner's property and has not only caused great damage to the petitioner's property but also affected the petitioner's health as well.



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5. In this connection, she sent a representation to the respondents 1 to 5 on 21.05.2025 to conduct a field inspection and assess the damages caused to him. Pursuant to his representation dated 21.05.2025, the 3<sup>rd</sup> respondent had sent a representation to the 5<sup>th</sup> respondent on 13.06.2025 to conduct a field inspection and submit a report to that effect. However, the same has not been considered. Aggrieved by the same, the petitioner is before this Court.

6. Heard the learned counsel on either side.

7. Considering the facts and circumstances of the case, the writ petition stands allowed. The respondents 4 and 5 are directed to consider the representation of the petitioner dated 21.05.2025. The respondents 4 and 5 shall give notice to the respondents 6 and 7 as well and after hearing the petitioner and respondents 6 and 7 and pass final orders on merits and in accordance with law within a period of three (3) weeks from the date of receipt of a copy of this order.



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8. With the above observations, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**03.11.2025**

NCC :yes/No  
Index :yes/No  
Internet:yes/No  
rgm

To

1. The District Collector,  
Kanyakumari District.
2. The District Health Officer,  
Office of the District Health Officer,  
Kanyakumari District.
3. The Assistant Director of Panchayat,  
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5. The President/Executive Officer,  
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Suseendram,  
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**P.T.ASHA, J.**

rgm

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