



W.P.(MD)No.7120 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.7120 of 2026

and

W.M.P.(MD)No.5835 of 2026

S.Ponnaiah

... Petitioner

-VS-

1.The District Collector,
Pudukkottai District.

2.The Executive Officer,
Illuppur Town Panchayat,
Illupur Post and Taluk,
Pudukkottai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to proceed with construction of the new public toilet in S.No.455/6 of Illupur Village and Taluk, Pudukkottai District, by considering the petitioner's representation dated 06.02.2026.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

The Writ Petition has been filed seeking the issuance of a Writ of Mandamus forbearing the respondents from proceeding with the further construction of a new public toilet in Survey No.455/6 at Iluppur Village and Taluk, Pudukottai District, by considering the petitioner's representation dated 06.02.2026.

2. Upon consideration of the petitioner's representation and the submissions made by the learned counsel for the petitioner, it is seen that Iluppur Village has an approximate population of 700 people. There already exists a toilet-cum-washing complex consisting of 8 units, each comprising both a toilet and a bathroom. The said structure is well constructed, with tiles laid up to a height of 6 feet. However, the same has been left abandoned without proper maintenance and stands as a waste of public funds. Despite the same, a new toilet complex is being constructed adjacent to the petitioner's property. The construction is presently halfway through, and therefore, the petitioner has approached this Court.



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3. The learned Special Government Pleader submitted that, although another toilet complex exists, it is situated about 200 meters away from the present site and was constructed in the year 2012. Under a new scheme, the present construction is being undertaken for the benefit of the villagers, and the petitioner is objecting solely on the ground that it is located near his residence.

4. I have considered the rival submissions made on either side and perused the materials available on record.

5. It is true that the petitioner has approached this Court primarily because the proposed toilet is located near his house. However, considering that the Village has a population of only about 700 people, and in light of the implementation of the Swachh Bharat Scheme, under which individual household toilets are provided with subsidy, the necessity for multiple public toilet complexes arises for consideration. Merely because a new scheme is introduced, existing infrastructure cannot be allowed to fall into disuse while new constructions are undertaken. A photograph of the existing toilet complex has been annexed as Annexure-I to this order.



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6. In these circumstances, this Court is of the *prima facie* view that if the existing toilet complex is properly cleaned and maintained, it can effectively serve the needs of the villagers, provided adequate water supply is ensured. It is a common occurrence in villages that several public buildings remain abandoned. With the introduction of new schemes, authorities often focus on constructing new buildings, while existing facilities such as Primary Health Centre Buildings, ration shops, and toilet complexes are neglected.

7. When the existing toilet complex was constructed only in the year 2012, and merely about 13 years have elapsed, the necessity of constructing another toilet complex must be carefully examined by the first respondent.

8. In view of the above, the first respondent is directed to consider the petitioner's representation dated 06.02.2026. Due notice shall be issued to the petitioner as well as to the concerned Panchayat authorities, and the matter shall be decided by the first respondent / District Collector. While doing so, it shall be borne in mind that constructing buildings which are later abandoned serves no useful purpose, particularly, when household toilets are already available. The



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necessity for an additional toilet complex shall be assessed in light of the actual requirements of the village and the proper utilization of public funds. If deemed appropriate, and with necessary permissions from the competent authorities, the partially constructed building may be converted into a Library or put to any other beneficial public use. The entire exercise of conducting an enquiry and passing final orders shall be completed within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Neutral Citation : No
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Annexure - 1





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To:-

- 1.The District Collector,
Pudukkottai District.
- 2.The Executive Officer,
Illuppur Town Panchayat,
Illupur Post and Taluk,
Pudukkottai District.



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D.BHARATHA CHAKRAVARTHY, J.

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