

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 22075 of 2015

T.K. Arumugam

..

Petitioner

Vs.

1. The Executive Officer,  
Selection Grade Town Panchayat,  
Tharamangalam, Omalur Taluk,  
Salem District.
2. The Assistant Director of Panchayat,  
Salem.

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to hand over the possession of public toilet at the bus stand in Tharamangalam, Salem District to the petitioner as per the lease dated 25.02.2015 for a period of one year from the date of handing over the possession.

For Petitioner :: Mr.S. Doraisamy

For Respondents :: Mr.V.Jayaprakash Narayanan,  
Special Govt. Pleader for R1  
Mr.R. Lakshmi Narayanan,  
Addl. Govt. Pleader for R2

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to hand over the possession of public toilet at the bus stand in Tharamangalam, Salem District to the petitioner as per the lease dated 25.02.2015 for a period of one year from the date of handing over the possession.

2. The case of the petitioner is that the 1<sup>st</sup> respondent issued a notification dated 13.02.2015 calling for public auction for the grant of licence to maintain pay and use toilet at Bus Stand, Tharamangalam, scheduled to be held on 25.02.2015 for the year 2015-

2016. The petitioner, who participated in the auction, was declared as the successful bidder and he also paid the entire lease amount on the same day itself. Though as per the tender condition, the possession of the public toilet should have been handed over to the petitioner on 1<sup>st</sup> April, 2015, it was not done so. Therefore, the petitioner made a representation to the 1<sup>st</sup> respondent on 07.04.2015 requesting to hand over possession. However, no action was taken. Thereafter, the petitioner met the 1<sup>st</sup> respondent in person and he came to know that the previous licensee, one Chinnthambi, whose licence period had come to an end on 31.03.2015 had filed a civil suit before the District Munsif Court, Omalur, in O.S. No. 72 of 2015 for a decree of declaration that the public auction held on 25.02.2015 was illegal, null and void and sought licence rights to be given to him. No interim order was granted in his favour. The said Chinnathambi did not also participate in the auction held on 25.02.2015. The respondents, after the expiry of the previous licence period, took over possession of the public toilet and locked it. Since the petitioner is the successful bidder in the subsequent auction held on 25.02.2015, he has approached this Court seeking a direction to the respondents to hand over possession of the public toilet as per the lease deed dated 25.02.2015 for a period of one year from the date of handing over possession.

3. Heard the learned counsel on either side.

4. It is seen from the counter affidavit filed by the 1<sup>st</sup> respondent that the 1<sup>st</sup> respondent is ready to hand over possession of the public toilet after doing repair work in the toilet buildings as well as in the storage tank due to its damaged condition. If the repair work is not carried out, it will cause health hazards to the general public. Further, maintenance work is being carried out in the toilet buildings and storage tank. Therefore, the learned Special Government Pleader would submit that, within a period of six weeks, ie., by 15<sup>th</sup> October, 2015, after completion of repair work and maintenance work, the building will be handed over to the petitioner.

5. Recording the above submission of the learned Special Government Pleader, the writ petition is disposed of. No costs.

6. Call the matter on 16.10.2015 for reporting compliance.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

nv

To

1. The Executive Officer,  
Selection Grade Town Panchayat,  
Tharamangalam, Omalur Taluk,  
Salem District.
2. The Assistant Director of Panchayat,  
Salem.

+1 cc to M/s. S.Doraisamy, Advocate, sr.50617 (16/07/2015)

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