

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.NO.4426 OF 2017
AND W.M.P.NO.4641 OF 2017

D.Kuppammal

... Petitioner

Versus

The Commissioner
Mayiladuthurai Municipality
Mayiladuthurai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorari, to call for the records of the respondent passed in Na.Ka.No.1924/2015/H2, dated 13.01.2017 and to quash the same.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.P.Srinivas

O R D E R

The petitioner who has been permitted to maintain the toilet, has come forward to file this writ petition, challenging the order, by which, she was informed that a decision has been taken to bring the same for public auction. Incidentally, it has been stated that complaints had been received that she is charging money that was not authorized.

2. Learned counsel appearing for the petitioner would submit that the impugned order has been passed without notice.

3. The said contention cannot be accepted. The petitioner has been merely asked to maintain the toilet. Thus, there is no right vests in her. By the impugned order, the right to maintain and collect charges is sought to be put up for public action. For the said proposed action also, the petitioner cannot be stated to aggrieved. What has been given to the petitioner is only a mere right to maintain. She is not paying any fees for

it. In such of the matter, there is no necessity to put her on notice.

4. Accordingly, this writ petition stands dismissed. However, taking into consideration the fact that the petitioner has been maintaining the toilet till now, until the auction is conducted and confirmed, she shall maintain the toilet, without charging any fees for it. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

The Commissioner
Mayiladuthurai Municipality
Mayiladuthurai.

+1cc to Mr.G.Sankaran, Advocate SR.No.20951
+1cc to Mr.P.Srinivas, Advocate SR.No.21443

W.P.NO.4426 OF 2017

PA (CO)
GN (21/04/2017)

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