

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.9967 of 2017
& W.M.P.Nos.10978 & 10979 of 2017

A.Subramanian

.... Petitioner

- Vs -

- 1.The State of Tamil Nadu,
Rep., by the Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam Annex, Chepauk,
Chennai-600 005.
- 3.The Commissioner/Special Officer,
Valparai Municipality, Valparai,
Coimbatore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned Tender-cum-Auction Notice in Na.Ka.No.1192/2016/A2 dated 07.04.2017 of the third respondent, quash the same and consequently, direct the third respondent to consider the renewal application of the petitioner.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents: Mr.P.V.Selvakumar,

Addl. Government Pleader for R1 & R2
Ms.K.Bhuvaneswari for R3

ORDER

Originally, the licence to collect fees in the public toilet at Valaia Kadai Street near Daily Market, Valparai, was given in the name of the petitioner's father long time back. Thereafter,

it was changed in the name of the petitioner's brother. After the demise of the petitioner's brother, for the third time, it was once again changed in the name of the petitioner in the year 2008. The petitioner continued to be the licensee till March, 2017. Thereafter, an auction was proposed to be held by the respondents. Challenging the same, the present writ petition has been filed by the petitioner on the ground that he is entitled for the further renewal as per the Government Order passed in G.O. No.92 Municipal Administration and Water Supply (Finance IV) Department, dated 03.07.2007.

2. The learned counsel appearing for the petitioner would submit that as per the abovesaid Government Order, the petitioner is entitled for the further renewal.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner was given licence to run "pay and use toilet at Valparai" starting from the year 2008 onwards i.e., 9 years and therefore, the renewal is only an option, which would augment more revenue.

4. The petitioner has not established that the Government Order relied upon by him would be applicable to the licence governing the right to collect toilet charges. Even otherwise, nine years have already elapsed. The Government Order passed cannot be seen in perpetuity. In similar, it cannot also be made applicable to a case of licensee, who has been in enjoyment more than a decade. Therefore, looking from any perspective, this Court is not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition stands dismissed. However, liberty is given to the petitioner to take part in the proposed auction to be held on 16.06.2017. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar

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Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St. George, Chennai-600 009.

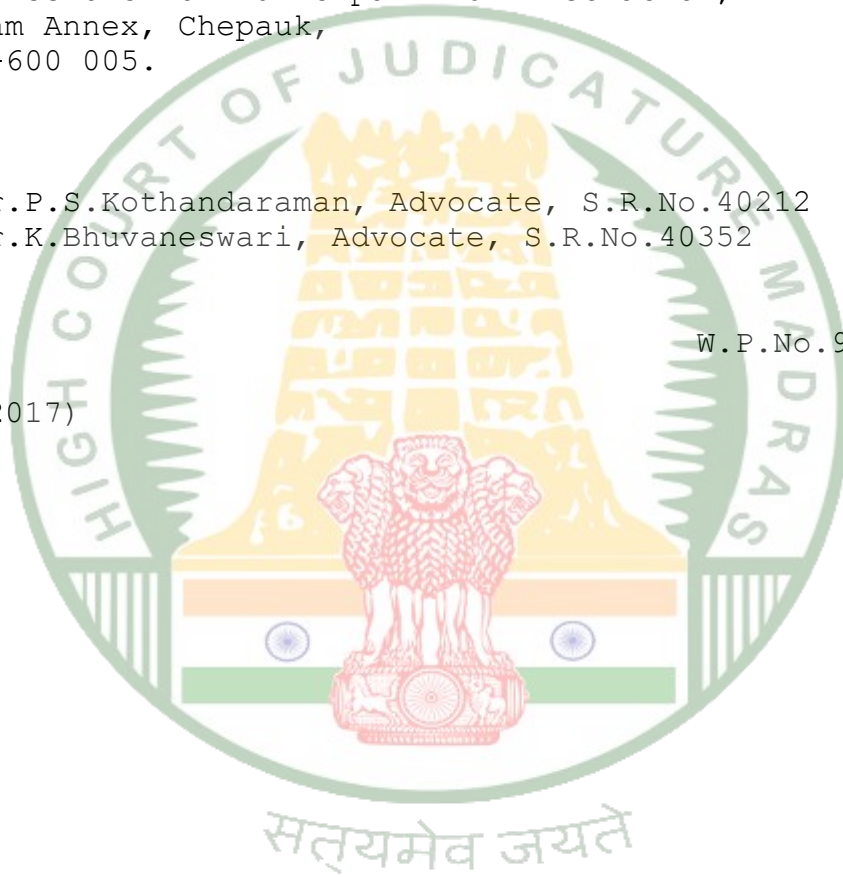
2.The Commissioner of Municipal Administration,
Ezhilagam Annex, Chepauk,
Chennai-600 005.

+lcc to Mr.P.S.Kothandaraman, Advocate, S.R.No.40212

+lcc to Mr.K.Bhuvaneswari, Advocate, S.R.No.40352

W.P.No.9967 of 2017

SR(CO)
RS(13/06/2017)



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