



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017
CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.12100 of 2017
and
WMP(MD) Nos.9334 to 9336 of 2017

B.Chithiradevi

... Petitioner

vs.

1. The Commissioner,
Usilampatti Municipality,
Usilampatti.2. Vasanthakumar
(R2 impleaded vide order dated
27.07.2017)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the impugned auction notification dated 20.06.2017 under proceeding V.A.No.227/17/SMTA/MADURAI passed by the first respondent herein and to quash the same as illegal as far as the Item No. 1 of the said Auction Notification is concerned and direct the respondent not to disturb the possession of the petitioner self help group and not to disturb free usage of the toilet by the village public.

For Petitioner	: Mr.A.Nagarajan
For R1	: Mr.K.Mahendran
For R2	: No appearance

O R D E R

This writ petition has been filed seeking to quash the impugned auction notification dated 20.06.2017 issued by the first respondent herein in V.A.No.227/17/SMTA/MADURAI in respect of item No.1. The petitioner also sought a direction to the respondents not to disturb the possession of her self help group and also not to disturb free usage of the toilet by the village people.

2.Heard the learned counsel for the petitioner and the learned counsel appearing for the first respondent.

3.The case of the petitioner is that she is the President of Arulmigu Santhamariamman Women self-help group, situated at



Chinnapursari street, Keelaputhur, Usilampatti. In the year 1998, the first respondent herein has constructed a toilet in the said place and permission was granted to the villagers to use the toilet as free toilet and it was excluded from the auction proceedings and based on the allotment order dated 30.05.2011 issued in favour of the self help group, entire maintenance and renovation works were done by the said self-help group. But, all of a sudden, without any notice to the petitioner, the allotment order was cancelled and the toilet was brought into auction and subsequently, it was converted into pay and use toilet. Challenging the same, the present Writ Petition has been filed.

4.The learned counsel appearing for the first respondent would submit that in order to increase the revenue of the municipality, auction was conducted and the toilet was allotted to the fourth respondent and now it is used as a pay and use toilet. Hence, there is no illegality in the auction conducted by the first respondent.

5.After deciding to convert the free toilet, which was maintained by the petitioner, to be a pay and use toilet on health grounds, the first respondent published paper publication, which never prevented the petitioner to participate. Since auction was conducted and the contesting respondent became a successful bidder, there is no impediment for the respondent municipality to convert the free toilet into a pay and use toilet and confirm the auction in favour of the second respondent. Under such circumstances, this Court finds no merit in the claim of the petitioner.

6.The Writ Petition is dismissed accordingly. No costs. Consequently, WMP(MD)Nos.9334 to 9336 of 2017 are closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Commissioner,
Usilampatti Municipality,
Usilampatti.

+1cc to M/S. K.MAHENDRAN, Advocate, SR.No.81771.

W.P(MD) No.12100 of 2017
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