



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD) Nos.3723 and 5446 of 2017 and
W.M.P.(MD) Nos.4370 to 4372, 4461 & 6009 of 2017
in W.P.(MD) No.5446 of 2017

W.P.(MD) No.3723 of 2017

R.Muthuvijayan

... Petitioner

-vs-

1. The Commissioner,
Municipal Administration and
Water Supply Department,
Chepauk, Chennai-600 005.

2. The Regional Divisional Manager (RDMA),
Municipal Administration and
Water Supply Department,
Kochadai, Madurai.

3. The Commissioner,
Chinnamanoor Municipality,
Chinnamanoor,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 3rd respondent herein to issue the license in favour of the petitioner in respect of the pay in Toilet situated at Sangaliar Thidar, Chinnamanoor for the period 2017-2020 on the basis of the receipt issued by the 3rd respondent for the amount of Rs.3,35,000/- in No.121/C1/16-17/0032726 dated 23.02.2017.

For Petitioner

: Mr.K.Neelamegam

For R1 & R2

: Mr.J.Gunaseelan Muthiah
Govt. Advocate

For R3

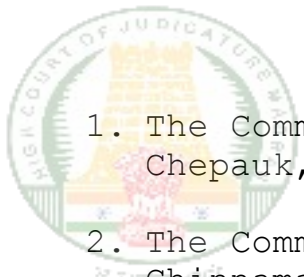
: Mr.M.Karuppasamy Pandian

W.P.(MD) No.5446 of 2017

R.Muthuvijayan

... Petitioner

-vs-



1. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

2. The Commissioner,
Chinnamanoor Municipality,
Chinnamanoor, Theni District.

3. M.Parthiban

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein in his proceedings in Na.Ka.No.194/2015/A.2 dated 23.03.2017 and quash the same and consequently direct the 2nd respondent herein to give license to the petitioner for pay & use toilet at Sangaliar Thidal Chinnamanur and to pass such further or other orders as this Honble Court.

For Petitioners	: Mr.K.Neelamegam
For R1	: Mr.J.Gunaseelan Muthiah Govt. Advocate
For R2	: Mr.K.Mahendran
For R3	: Mr.P.Gunasekaran

C O M M O N O R D E R

W.P.(MD) No.3723 of 2017 has been filed, seeking a direction to the 3rd respondent herein to issue the license in favour of the petitioner in respect of the pay in Toilet situated at Sangaliar Thidar, Chinnamanoor for the period 2017-2020 on the basis of the receipt issued by the 3rd respondent for the amount of Rs.3,35,000/- in No.121/C1/16-17/0032726 dated 23.02.2017. In W.P.(MD) No.5446 of 2017, the petitioner has challenged the proceedings of the 2nd respondent dated 23.03.2017 made in in Na.Ka.No.194/2015/A.2 with the consequential direction to the 2nd respondent to give license to the petitioner for pay & use toilet at Sangaliar Thidal, Chinnamanur.

2. When these matters were taken up for hearing, Mr.K.Mahendran, learned counsel appearing for Chinnamanoor Municipality has produced the original file along with all the required documents so as to prove that one Parthiban had emerged as the successful bidder and had paid the entire amount and therefore, as per the resolution dated 28.02.2017, the tender was confirmed in the name of the said Parthiban.

3. In view of the above submissions, this Court is of the view that the writ petitioner, who was defeated in the tender, cannot raise any issues in these writ petitions. Hence, these petitions are disposed of, as no further orders is required to be passed in



4. At this juncture, the learned counsel for the petitioner has represented that the amount deposited by the petitioner, which is lying with the Municipality may be directed to be refunded to him forthwith. It is needless to mention here that the petitioner has to approach the concerned authority for such refund. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

To:

1. The Commissioner,
Municipal Administration and
Water Supply Department,
Chepauk, Chennai-600 005.
2. The Regional Divisional Manager (RDMA),
Municipal Administration and
Water Supply Department,
Kochadai, Madurai.
3. The Commissioner,
Chinnamanoor Municipality,
Chinnamanoor,
Theni District.

+One cc to Mr.K.Mahendran, Advocate, SR.No.75565
+One cc to Mr.P.Gunasekaran, Advocate, SR.No.75670
+One cc to The Special Government Pleader, S.No.75776

ar/rm

RL/7C/3P/SKN/RSK/SAR3/5/9/2017

W.P. (MD) Nos.3723 and 5446 of 2017

30/08/2017