



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.17473 of 2016
and

W.M.P.(MD)Nos.12658 & 12659 of 2016

P.Parameswari

.. Petitioner

Vs.

1. The Commissioner,
Periyakulam Municipality,
Periyakulam, Theni District.

2. The President,
Mannbumigu Puratchithalaivi
Jeyalalitha Mahilar Welfare Sangam,
Periyakulam, Theni District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.1979/2016/H1 dated 01.09.2016, quash the same.

For Petitioner
For R-1

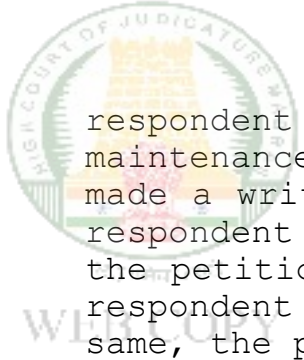
: Mr.V.Janakiramulu
: Mr.M.Karuppasamy Pandian,
Standing Counsel

ORDER

This Writ Petition is filed for issuing Writ of Certiorari, calling for the records relating to the impugned order of the first respondent in Na.Ka.No.1979/2016/H1 dated 01.09.2016, quash the same.

2.Heard both sides.

3.The case of the petitioner is that the petitioner is the President of Durga Women Self Help Group functioning at Tenkarai, Periyakulam, Theni District. Since there is no toilet facilities in any of the house in the said area, the first respondent facilitated a public toilet and handed over its maintenance to the petitioner. The petitioner has been maintaining the toilet in a hygienic manner without any complaint for the past 10 years by collecting a very nominal and affordable charge from the women folk. The second



respondent threatened the petitioner to hand over the charge of maintenance of the toilet to the second respondent. The petitioner made a written complaint on 30.08.2016, but subsequently, the first respondent passed the impugned order, dated 01.09.2016, directing the petitioner to hand over the charge of maintenance to the second respondent without any notice to the petitioner. Aggrieved by the same, the petitioner filed this Writ Petition.

4.This Court, by an order dated 05.09.2017, appointed an Advocate Commissioner to ascertain the factual position and directed the Advocate Commissioner to file a detailed report. The report of the Advocate Commissioner is as follows:-

"5.I submit that on the presence of above said persons, I made an inspection on the public toilet premises maintained by the Durga Women Self Help Group and took photographs. There I found: Baby friendly toilet-3 in number, Gents Toilet-5 in number, Ladies toilet-5 in number including toilet for differently abled persons. The said public toilet was clean and tidy at the time of my visit and some of the doors of the toilet were broken and was not intact."

5.Now, it is agreed by the parties that the petitioner shall continue the maintenance of the said public toilet for the period of three months and the respondents are also undertaken to inspect the said public toilet periodically. If the maintaining work is not carried out properly, the respondents are directed to issue proper notice to terminate the contract of the petitioner and hand over the same to any other eligible parties by conducting auction. The petitioner is also directed to comply with all the conditions imposed by the respondents with regard to the public toilet maintenance.

6.The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) towards additional remuneration to the Advocate Commissioner.

7.With the above directions, this Writ Petition is disposed of . No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar



To

The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.

Copy To:-

Mrs.P.Krishnaveni,
Advocate,
E.No.911/2002,
65, Law Chamber,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.V.JANAKIRAMULU, ADVOCATE IN SR No. 80277

TA

TE/JC/SAR-II : 12/10/2017 : 3P/4C

ORDER MADE IN
W.P(MD)No.17473 of 2016 and
W.M.P.(MD)Nos.12658 & 12659 of 2016
20.09.2017