



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6927 of 2017

Pandivel

... Petitioner

vs.

1.The Commissioner,
Commissionerate of Municipality
Administration,
6th Floor, Elizhagam Annexure,
Chepakam, Chennai.

2.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider petitioner's representation dated 19.03.2017.

For Petitioner : Mr.A.Uthayakumar

For Respondents : Mr.T.S.Mohamed Mohideen,
AGP for R1
Mr.M.Kannan for R2.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J)

The petitioner filed this writ petition to consider his representation and not to permit the opening of a toilet near the Rameswaram bus stand which is stated to be in a dilapidated condition.

2.We have heard the learned counsel for the petitioner. We have also heard the learned standing counsel for the Rameswaram Municipality and the learned Additional Government Pleader appearing on behalf of the first respondent.



3.The petitioner has come up with this writ petition with a grievance that toilet which has been kept closed for more than two years is proposed to be opened by the Rameswaram Municipality by giving tender.

4.Merely because the toilet has not been used for the last two years, it cannot be said that the Municipality is not empowered to renovate it and give it for public use. Even after giving licence, the licensee has to renovate the toilet and make it usable. Since the toilet is situated very near to the bus stand, it cannot be said that it would not serve public purpose.

5.We are therefore of the view that the second respondent is correct in taking steps for auctioning the privilege to run the toilet. The Commissioner, Rameswaram Municipality shall ensure that the building is kept in a good condition.

6.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Commissioner,
Commissionerate of Municipality
Administration,
6th Floor, Elizhagam Annexure,
Chepakam, Chennai.
- 2.The Commissioner,
Rameshwaram Municipality,
Ramanathapuram.

+One cc to Mr.M.Kannan, Advocate, SR.No.64678

+One cc to the Special Government Pleader, SR.No.64944

Arul/skm

RL/5C/2P/SV/SAR2/20/7/2017

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