



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.3083 of 2018andW.M.P (MD) No.3239 of 2018

Pandi Muneeshwarar Self Help Group
by its President, Sathya,
Alamelu Compound,
Othakadai, Madurai District.

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to renew the license of the petitioner in respect of pay and use public toilets situated in Platform Nos.1 and 2 and the toilet situated near Hotel Marina in Mattuthavani Bus Stand, Madurai.

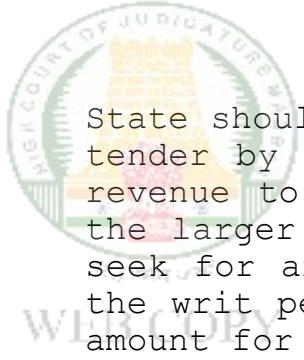
For Petitioner	: Mrs.N.Krishnaveni, Senior Counsel for Mr.K.Samidurai
For Respondent	: Mr.N.Shanmugaselvam Standing Counsel.

ORDER

This writ petition has been filed seeking direction to the respondent to renew the licence of the petitioner in respect of pay and use public toilets situated in Platform Nos.1 and 2 and the toilet situated near Hotel Marina in Mattuthavani Bus Stand, Madurai.

2. According to the petitioner, originally, licence was granted to the petitioner for three pay and use public toilets in Mattuthavani Bus Stand, Madurai in Platform Nos.1 and 2 and near Hotel Marina, in the year 2014 and thereafter, it has been renewed every year. In the meantime, the respondent Corporation directed the petitioner to maintain the toilets by doing whitewash. Pursuant to the same, the petitioner has spent more than Rs.4 lakhs and carry out repaired works as well as white wash. While so, now the respondent Corporation is intending to conduct public auction for granting fresh licence to the toilets. Hence, the petitioner has filed the present writ petition.

3. Admittedly, the petitioner is only a licensee. It is settled law that all the contract, lease of licence in respect of property belongs to the Government or the instrumentality of the



State should be granted only by way of public auction or by inviting tender by making wide publicity. It is one of the main sources of revenue to the local bodies which is used for welfare measures in the larger interest of the public. Therefore, the petitioner cannot seek for any renewal of licence as a matter of right. Accordingly, the writ petition is dismissed. If at all, the petitioner spent any amount for the repairing work carried out in the toilets, it is open to the petitioner to approach the respondent Corporation for reimbursement. The respondent is directed to conduct public auction for the pay and use toilets situated in Mattuthavani Bus Stand. Till the auction proceedings is completed, the possession of the petitioner shall not be disturbed.

4. With the above observation, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)No.3239 of 2018 is closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

The Commissioner,
Madurai Corporation,
Madurai.

+One cc to Mr.N.Shanmugaselvam, Advocate, SR.No.48960

+One c to Mr.K.Samidurai, Advocate, SR.No.48843

sms
RL/4C/2P/KK/SAR1/22/2/2018

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