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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM :

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.4957 of 2018

and

W.M.P(MD) Nos.4946 and 4947 of 2018

G.Chellammal

... Petitioner

Vs.

The Executive Officer,
Selection Grade Town Panchayat,
Thiruppathur, Sivagangai District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records pursuant to the impugned show cause notice of the respondent in Na.Ka.No.307/2017/A5 dated 09/02/2018 and quash the same.

For Petitioner	: Mrs.Porkodi Karnan
For Respondent	: Mr.M.Rajarajan, Government Advocate.

ORDER

This writ petition has been filed challenging the public auction notice issued by the respondent municipality dated 09.02.2018 for granting licence to maintain public toilet at Thiruppathur Bus Stand.

2.According to the petitioner, she is the existing licensee and last year, when the respondent municipality called for public auction, the petitioner has challenged the said notification by filing W.P.(MD)No.4397 of 2017. This Court by an order dated 16.03.2017 granted interim stay and by virtue of the said order, till today, the petitioner is continuing as a licensee. Now, the respondent has once again called for public auction for granting licence to maintain public toilet at Thiruppathur Bus Stand. Challenging the same, the petitioner has filed the present writ petition.

3.The only contention put forth by the learned counsel appearing for the petitioner is that the petitioner has been continuing as a licensee under the respondent for several years and she is ready and willing to pay enhanced licence fee. However, without considering her request, the respondent has called for public auction.

4.Admittedly, the petitioner is only a licensee and she has been continuing for several years and now the licence period is also over. In the said circumstances, the petitioner has no legal right to be in possession forever and she cannot hold the property perpetually as she has no vested or legal right to get renewal. If at all, the petitioner is interested in continuing her licence, it



is for her to participate in the public auction to be conducted by the respondent. In the said circumstances, I find no merit in the writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, W.M.P(MD)Nos.4946 and 4947 of 2018 are closed.

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Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

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