



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

WEB COPY

W.P. (MD) Nos.5468/2018 and 23660 of 2017

and

W.M.P. (MD) Nos.5394 &amp; 5395/2018 and 19877 of 2017

V.P.Arumugaperumal

... Petitioner in both petitions

Vs.

The Special Officer / The Municipal Commissioner,  
Manapparai Municipality,  
Manapparai,  
Tiruchirappalli District.

...Respondent in both petitions

**Prayer in W.P. (MD) No.5468 of 2018 :** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned final notice dated 05.01.2018, quash the same and consequently direct the respondent to provide the petitioner's amenities to run the hotel premises leased out by the respondent municipality to him at Manapparai Bus Stand in and by proceedings in Na.Ka.No.744/2017/8A2 dated 06.06.2017, by providing permission to use gas stove, additional water supply connection, additional power connection and by removing two bio-toilets kept inside the hotel premises having an access pathway leading from waiting hall of the new bus stand, Manapparai, within the time limit that may be fixed by this Court.

**Prayer in W.P. (MD) No.23660 of 2017:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in Na.Ka.No.744/2017/A2 dated 17.10.2017, quash the same and consequently direct the respondent to provide the petitioner amenities to run the hotel premises leased out by the respondent Municipality to him at Manapparai Bu Stand in and by proceedings in Na.Ka.No.744/2017/8A2 dated 06.06.2017, by providing permission to use gas stove, additional water supply, connection, additional power connection and by removing toe unused bio-toilets kept inside the hotel premises within the time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.J.Lawrance,

Standing Counsel

Ms.Mohana, Advocate Commissioner.

(for both petitions)

**ORDER**

These Writ Petitions have been filed, challenging the order passed by the respondent Municipality to pay the arrears.

2. According to the petitioner, he is the lessee in respect of the Hotel in Manapparai New Bus Stand belonging to the respondent Municipality for the year 2017-2020. After the confirmation of lease, since the respondent Municipality has put up two temporary toilets near the hotel premises, he was not in a position to open the hotel. Apart from that basic amenities were also not provided to the petitioner to run the hotel. Now the respondent Municipality has issued a notice to the petitioner to pay a huge sum of amount as arrears of rent. In the above circumstances, challenging the notice issued by the respondent, the petitioner filed the present writ petitions.

3. Earlier, when the matter is taken up for hearing the respondent municipality had submitted that the toilet put up by the respondent will not in any way deter the petitioner from running his hotel business. It had further contended that the petitioner has filed the present writ petition only with a view to delay the payment of arrears. In the above circumstances, this Court appointed an Advocate Commissioner to inspect the place and to file a report.

4. Today, Ms. Mohana, learned Advocate, who was appointed as Advocate Commissioner, has filed a report stating that the mobile toilets put up adjacent to the petitioner's shop premises would certainly cause nuisance to the petitioner and running a hotel business in that situation may not be feasible. She has also suggested that there are vast extent of area available within the bus stand premises where the existing mobile toilets could very well be located.

5. Now, the respondent Municipality has also filed an affidavit stating that the respondent municipality is prepared to shift the existing mobile toilets within a period of one month and until then, the mobile toilets will not be put in use. In the affidavit, the respondent municipality undertook to provide basic amenities to the petitioner so as to run his hotel business smoothly.

6. In the above circumstances, the learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the entire arrears. The petitioner has also produced a Demand Draft towards 50% of arrears across the bar which was in turn handed over to the learned counsel for the respondent. The petitioner undertook to pay the remaining amount of arrears on or before 30.04.2018.



7. Considering the facts and circumstances, the respondent Municipality is directed to remove the temporary toilets within a period of fifteen days from today and locate the same in any other convenient place. Till such time, the respondent Municipality is directed to close the toilets. The respondent Municipality is also directed to provide basic amenities as per the lease agreement to the petitioner to run the hotel. Further the petitioner is directed to pay the remaining license fees on or before 30.04.2018.

8. Accordingly, these writ petitions are closed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Special Officer / The Municipal Commissioner,  
Manapparai Municipality,  
Manapparai, Tiruchirappalli District.

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AE/SKN RSK/SAR2/24.04.2018/3P/2C

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