



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.13558 of 2020

and

W.M.P. (MD)No.11293 of 2020

WEB COPY

V.Saravana Kumar

... Petitioner

-VS-

Kodaikanal Municipality ,
Through its Commissioner,
Kodaikanal.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider representation of the petitioner dated 16.09.2020 and grant him renewal in the light of the G.O.Ms.No.92 dated 03.07.2007 of the Municipal Administration and Water Supply Department, for a further period of three years the lease of the right to collect usage charges of public toilets in Bruton Compound, Kodaikanal.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mr.L.P.Maurya

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the municipality.

2.The petitioner was granted the license to collect charges from the users of the public toilets in Bruton Compound, Kodaikanal. The petitioner's grievance is that on account of lock down restrictions, there was no tourist inflow into Kodaikanal. Therefore, the petitioner had given a representation dated 16.09.2020 seeking extension of the license period.

3.The learned Standing Counsel for the Municipality submitted that the municipality proposed to make a proportionate refund of the license amount for the period from 01.04.2020 to 31.05.2020 as mandated under G.O.(D)No.298 dated 02.09.2020.

4.For the subsequent license period ie., 2020-2021, the respondent had already held an auction. In view of poor service provided by the respondent, the final decision is to be taken this evening. The



petitioner is placed in Tuticorin and therefore they may not be in a position to attend in person.

5. Therefore, I permit the petitioner to participate in the process that is to take place this evening through Video conference. The petitioner can also offer his bid. Whoever is the higher bidder, he will be issued the license for the year 2020-2021. I make it clear that the entire process has to be open and transparent and the consideration of public revenue alone should determine the entire proceedings.

6. The learned counsel for the petitioner has some issues regarding the matter of refund. That issue is left open to be contested in separate proceedings. The scope of the present proceedings is confined to permitting the petitioner to take part in the tender process for the period 2020-2021.

7. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

pnn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.L.P. MAURYA, Advocate (SR-18816[F] dated 01/10/2020)

+1 CC to Mr. LAKSHMI SHANKAR, Advocate (SR-18900[F] dated 05/10/2020)

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