



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WRIT PETITION NO.17196 OF 2021

Sujitha

... Petitioner

-Vs-

1. The Commissioner,
Nagapattinam Municipality,
O/o Nagapattinam Municipality,
Nagapattinam - 611 001.
2. The Revenue Inspector-2,
Nagapattinam Municipality,
Nagapattinam District - 611 001.

... Respondents

PRAYER:-

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to without prior notice to cancel the order Na.Ka.No.2017-H-2 dated 17.01.2018 passed by the 1st respondents based on the pursuant to the petitioner's representation dated 03.07.2021.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.P.Srinivas,
Standing Counsel for R1

Mr.U.Baranidharan
Government Advocate for R2

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus forbearing the respondents from interfering with the petitioner maintaining the bathroom and public toilets at Nagapattinam Old Bus Stand by considering the representation made by the petitioner on 03.07.2021.



2. The case of the petitioner is that, the Women Self Help Group was allotted the maintenance of bathrooms and public toilets at Nagapattinam Old Bus Stand by the first respondent through their proceedings dated 17.01.2018. Accordingly, the Self Help Group is maintaining the same without any complaints till date.

3. The grievance of the petitioner is that, all of a sudden some third parties started asking for the keys of the restrooms even without issuing any notice or establishing any authorization given by the respondent Municipality. When the petitioner questioned the same, she was informed that they are the officials who were sent by the respondent Municipality and the keys will have to be immediately handed over to them.

4. Aggrieved by the same, the petitioner made a representation on 03.07.2021 to the first respondent and since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. When the matter was taken up for hearing on 31.08.2021, the learned Standing Counsel appearing on behalf of the respondent Municipality circulated the proceedings of the first respondent dated 09.08.2021. It is seen from this proceedings that, the respondent Municipality wants to take over the bathrooms and public toilets and undertake certain repairs. That is the reason why the petitioner was asked to hand over the keys. It was not clear from the proceedings of the first respondent as to what is going to be done after undertaking the repairs. Therefore, this Court directed the learned Standing Counsel to take instructions and report before this Court.

6. The learned Standing Counsel, on instructions, submitted that after undertaking the repairs in the bathrooms and the public toilets, it is going to be brought for auction by inviting tenders and the highest bidder will be granted the licence for maintaining the restrooms. The learned counsel submitted that the respondent Municipality will have to earn revenue and therefore a decision was taken to that effect by the first respondent.

7. The learned counsel for the petitioner submitted that, the respondent Municipality must be directed to conduct the auction in a fair manner by giving wide publicity and the Self Help Group will also participate in the auction and submit their bid.

8. Taking into consideration the facts and circumstances of the case and the specific stand taken by the respondent Municipality, there shall be a direction to the respondents to



immediately undertake the repairs in the restrooms and on completion of the same, the respondents shall issue tender notification and conduct the auction in a fair manner in accordance with law and grant licence to the highest bidder. This process shall be completed by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Commissioner,
Nagapattinam Municipality,
O/o Nagapattinam Municipality,
Nagapattinam - 611 001.
2. The Revenue Inspector-2,
Nagapattinam Municipality,
Nagapattinam District - 611 001.

+lcc to M/s.P.Muthamizh Selvakumar, S.R.No.44145 (28/09/2021)
+lcc to the Government Pleader, S.R.No.44566

W.P.NO.17196 OF 2021

AK(CO)
PBS/23/09/2021