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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.10111 OF 2017

R.Karthikeyan

... Petitioner

Vs

1. The Regional Director of Municipal Administration,
Vellore.

2. The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India for writ of mandamus, directing the 2nd Respondent to hand over the possession of the public toilet at the Jothi Market, Tiruvannamalai to the petitioner as per the order dated 31.03.2015 and the communication dated 24.05.2016 and to extend the license by a period of 11 months and to adjust the license amount paid in advance by the petitioner corresponding to the period during which the petitioner was divested of the maintenance of the toilet towards the license fees payable for the future period.

For Petitioner : Mr.Sai Krishnan
For M/s.Sai Bharath and Ilan

For Respondents : Mr.M.R.Gokul Krishnan, GA -R1
: Mr.A.S.Thambuswamy -R2

O R D E R

The prayer sought for in the writ petition is to directing the 2nd Respondent to hand over the possession of the public toilet at the Jothi Market, Tiruvannamalai to the petitioner as per the order dated 31.03.2015 and the communication dated 24.05.2016 and to extend the license by a period of 11 months and to adjust the license amount paid in advance by the petitioner corresponding to the period during which the petitioner was divested of the maintenance of the toilet towards the license fees payable for the future period.



2. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the 1st respondent, learned counsel appearing for the 2nd respondent and perused the records.

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3. The learned counsel appearing for the petitioner submitted that the petitioner was awarded the contract to maintain the public toilet at Jothi Nagar Market, Tiruvannamalai for a period of three years commencing from 01.04.2015 to 31.03.2018 by proceedings of the 2nd respondent dated 31.03.2015. During the aforesaid license period, the respondent-Municipality directed the petitioner to surrender the building for the purpose of demolition and reconstruction by proceedings dated 24.05.2014. Based on the assurance of the respondent-Municipality, the petitioner has surrendered his possession to the respondent-Municipality and paid a sum of Rs.1,90,000/- towards license fee in advance for a period of three years. Though the reconstruction of the toilet was completed during September 2016 itself, the building has not been handed over to the petitioner in pursuance to the contract. Therefore, the petitioner has made a representation to the 2nd respondent on 29.03.2017 for handing over the building in pursuance to the contract. Since no action has been taken by the 2nd respondent, the present writ petition has been filed.

4. The learned counsel appearing for the 2nd respondent has submitted that the representation submitted by the petitioner will be considered by the 2nd respondent and pass orders in accordance with the rules.

5. Considering the facts and circumstances of the case and in view of the submissions made by the learned counsel appearing for the 2nd respondent, this Court directs the 2nd respondent to consider the petitioner's representation dated 29.03.2017 and pass appropriate orders in accordance with law, as expeditiously as possible, by taking note of the proceedings dated 24.05.2016 issued by the 2nd respondent, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Regional Director of Municipal Administration,
Vellore.

2. The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

+lcc to Mr.Sai Krishnan, Advocate, S.R.No.33485

+lcc to the Government Pleader, S.R.No.33509

W.P.NO.10111 OF 2017

PCH(CO)
PBS/17/08/2021