



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.6623 of 2021
and
W.M.P (MD) .Nos.5130 and 5131 of 2021

S.Senthil .. Petitioner

Vs

1. The Commissioner,
Melur Municipality,
Madurai District.

5. Tmt.M.Sabeena Banu ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned allotment order in Na.Ka.No.200/2020/A2 dated 23.03.2020 to the second respondent by the first respondent, quash the same and further directing the first respondent to construct a new public toilet in the disputed premises for the use of entire public at large in Muhamathiyapuram, Sivagangai Road near RC School at Melur, Madurai District.

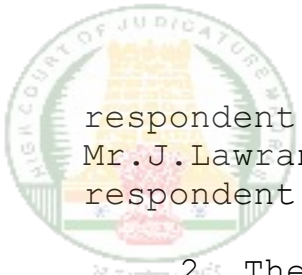
For Petitioner : Mr.S.Ramu

For respondents : Mr.J.Gunaseelan Muthiah
for R1
Mr.Arun Srivastava
for Mr.J.Lawrance
for R2

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.S.Ramu, learned counsel appearing for the petitioner;
<https://hcmv.cem.gov.in/cases/> Mr.J.Gunaseelan Muthiah, learned counsel appearing for the first



respondent and Mr.Arun Srivatsava, learned counsel represented for Mr.J.Lawrance, learned counsel appearing for the second respondent.

2. The petitioner has filed this writ petition challenging the order passed by the first respondent-Municipality, dated 23.03.2020, granting a license in favour of the second respondent in respect of the extent measuring roughly about 150 square feet and the license was granted for the period of three years.

3. The learned counsel appearing for the petitioner would state that earlier there was a public toilet, which was demolished and instead of reconstructing the public toilet, the first respondent-Municipality has licensed the premises to the second respondent, which is illegal.

4. The learned counsel appearing for the first respondent-Municipality submitted that the toilet complex will become dilapidated and it was not in use and the decision was taken by the Municipality to demolish the same. Accordingly, the same was demolished and hence, there may not be any requirement in that area for the public convenience. In order to protect the interest of the Municipality, the area was licensed and notification was issued on 10.03.2020, by calling for tenders and in the tender, the second respondent was declared as a successful bidder. Further, the second respondent alleging that though he has given successful tender, the petitioner is preventive him to enjoy the property, as he has kept the old automobile shop and other things dumped in the premises. A decision to construct a public toilet in a particular place or not to construct is left open to the local Authority and it is not for the High Court to take a decision on the same. That apart, the Municipal property has been licensed out to the second respondent by after issuing tender notification. If the petitioner was interested, he should be participated in the tender.

5. Thus, on the ground set out by the Government no relief can be granted to the writ petitioner. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

To:

The Commissioner,
Melur Municipality,
Madurai District.

+1 CC to MR.J.LAWRANCE, Advocate (SR-20812[F] dated 01/07/2021)

W.P. (MD) No.6623 of 2021
30.06.2021

KM(07.07.2021) 3P 3C