



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) .Nos.11570 to 11574 of 2021  
and W.M.P. (MD) .Nos.9085, 9087, 9088, 9089 & 9090 of 2021

Cause Title made in W.P.(MD).No.11570 of 2021

M. Pandi ... Petitioner WP(MD) 11571/2021  
B. Vijayaragavan ... Petitioner WP(MD) 11572/2021  
P. Chandrunath ... Petitioner WP(MD) 11573/2021  
K. Manikkapandi ... Petitioner WP(MD) 11574/2021

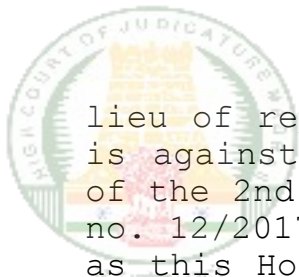
Vs.

1. The Commissioner of Municipal Administration,  
Santhome High Road,  
Raja Annamalaipuram,  
Chennai.
2. The Commissioner,  
Madurai Municipal Corporation,  
Madurai.
3. The Commissioner of GST and Central Excise,  
Central Revenue Buildings, B.B.Kulam,  
Madurai - 2. ... Respondents in all 5 WPS

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to extend petitioner's license of collecting fee from the users of women's toilet situated in Platform No.4, in MGR Bus Stand, Madurai, for a further period in lieu of repayment of GST amount collected from the petitioner which is against the circular, dated 03.05.2017, in Circular No.1305/2016/D2 of the 2<sup>nd</sup> respondent and notification, dated 28.06.2017 in Notification No.12/2017 - Central Tax (Rate).

**Prayer in WP(MD) . 11571/ 2021 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to directing the respondents to extend petitioners license of collecting fee from the users of mens toilet near by the Vasantham Hotel in MGR Bus Stand, Madurai for a further period in



lieu of repayment of GST amount collected from the petitioner which is against the circular dt 03.05.2017 in Circular no. 1305/2016/D2 of the 2nd respondent and Notification dt 28.06.2017 in notification no. 12/2017-Central Tax (Rate) and pass such further or other orders as this Honble Court may deem fit and proper in the circumstance of the case and thus render justice.

**Prayer in WP(MD). 11572/ 2021 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to directing the respondents to extend petitioners license of collecting fee from the users of womens toilet situated in Platform no. 3, in MGR Bus Stand, Madurai for a further period in lieu of repayment of GST amount collected from the petitioner which is against the circular dt 03.05.2017 in Circular no. 1305/2016/D2 of the 2nd respondent and Notification dt 28.06.2017 in notification no. 12/2017-Central Tax (Rate) and pass such further or other orders as this Honble Court may deem fit and proper in the circumstance of the case and thus render justice.

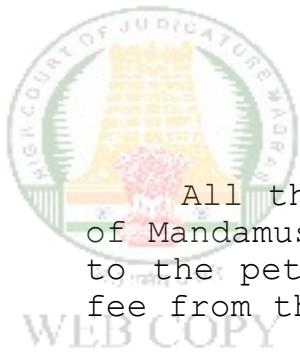
**Prayer in WP(MD). 11573/ 2021 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to directing the respondents to extend petitioners license of collecting fee from the users of womens nearby Marina Hotel, in MGR Bus Stand, Madurai for a further period in lieu of repayment of GST amount collected from the petitioner which is against the circular dt 03.05.2017 in Circular no. 1305/2016/D2 of the 2nd respondent and Notification dt 28.06.2017 in notification no. 12/2017-Central Tax (Rate) and pass such further or other orders as this Honble Court may deem fit and proper in the circumstance of the case and thus render justice.

**Prayer in WP(MD). 11574/ 2021 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to directing the respondents to extend petitioners license of collecting fee from the users of womens toilet situated in Platform no. 2, in MGR Bus Stand, Madurai for a further period in lieu of repayment of GST amount collected from the petitioner which is against the circular dt 03.05.2017 in Circular no. 1305/2016/D2 of the 2nd respondent and Notification dt 28.06.2017 in notification no. 12/2017-Central Tax (Rate) and pass such further or other orders as this Honble Court may deem fit and proper and thus render justice.

|                 |   |                                     |
|-----------------|---|-------------------------------------|
| For Petitioner  | : | Mr.S.Ramsundarvijayraj in all 5 WPS |
| For Respondents | : | Mr.M.Lingadurai for R1 in all 5 WPS |
|                 |   | Government Advocate                 |
|                 |   | Mr.R.Murali for R2                  |
|                 |   | Standing Counsel                    |
|                 |   | (In All petitions)                  |



**COMMON ORDER**

All these writ petitions have been filed for the issue of Writ of Mandamus, directing the respondents to extend the licence granted to the petitioners, who were granted such a licence for collecting fee from the pay and use toilet.

2.The case of the petitioners is that they had participated in the earlier auction and were the highest bidders and they were granted licence to collect fee from the pay and use toilet. The further case of the petitioners is that they were not able to collect any fees due to lock down for the period from March 2020 to September 2020. On that ground, the petitioners are seeking for the extension of the licence period. The petitioners are also relying upon an interim order passed by this Court in W.P.(MD).No.9526 of 2021.

3.Heard Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Counsel, appearing for the 1<sup>st</sup> respondent and Mr.R.Murali, learned Standing Counsel, appearing for the 2<sup>nd</sup> respondent in all cases.

4.The learned counsel appearing on behalf of the Corporation submitted that the Corporation has already issued a tender notification and called for bids to issue licence for collection of fee from pay and use toilet and the auction is fixed, on 27.07.2021.

5.In the considered view of this Court, the Corporation has already taken a decision to go ahead with the auction and therefore, this Court is not inclined to issue any directions to the respondents to extend the period of licence. It is left open to the petitioners to participate in the auction and submit their bids.

6.These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The Commissioner of Municipal Administration,  
Santhome High Road,  
Raja Annamalaipuram,  
Chennai.

2. The Commissioner,  
Madurai Municipal Corporation,  
Madurai.

3. The Commissioner of GST and Central Excise,  
Central Revenue Buildings, B.B.Kulam,  
Madurai - 2.

+5 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-22350,22351,22352,  
22353 & 22354[F] dated 13/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-22263[F] dated 13/07/2021)

+1 CC to M/s.SPL GP (SR-22566[F] dated 14/07/2021)

**W.P. (MD) .Nos.11570 to 11574 of 2021  
13.07.2021**

**RC (23.07.2021) 4P-11C**