



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)No.1956 of 2021

and

C.M.P(MD)No.8808 of 2021

M.Pandi Chandra,
President,
Angala Eshwari Women's Self-Help Group,
Kodangi Lane,
Avaniyapuram,
Madurai - 625 012.

... Appellant/Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 12.10.2021 made in W.P(MD)No.18712 of 2021 on the file of this Court.

Prayer in WP(MD). 18712/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction in the nature of WRIT OF CERTIORARIFIED MANDAMUS calling for the records pertaining to the impugned E-Tender Notification of the Respondent in Na.Ka.No.Ma.Va4/0013172/2021 dated Nil in respect of the Sl.No. 6 and quash the same as illegal and consequentially direct the respondent to permit the petitioner to run the pay and use Toilet is situated near Sixteen Pillar Mandapam at Thirupuramkundram vide his proceedings in Ma.Va.4/14951/2020 dated 21.01.2021 and to pass such other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

For Appellant	: Mr.D.Senthil
For Respondent	: Ms.S.Devasana

JUDGMENT

(Judgment of the Court was delivered by
M.DURAI SWAMY, J.)

Challenging the order passed in W.P(MD)No.18712 of 2021 dated 12.10.2021, the writ petitioner has filed the above Writ Appeal.



2.The appellant has filed the Writ Petition to issue a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned E-Tender Notification of the respondent dated Nil in respect of Serial No.6 and to quash the same and consequently directing the respondent to permit the petitioner to run the pay and use toilet situated near Sixteen Pillar Mandapam at Thirupuramkundram vide proceedings, dated 21.01.2021.

3.By an order, dated 21.01.2021, the appellant was permitted to maintain the pay and use toilet by the respondent for a period of one year on a monthly rent of Rs.6,000/- (Rupees Six Thousand Only). Though the said period would come to an end in the month of January 2022, the respondent Corporation called for E-Tender.

4.It is the contention of the appellant that since the respondent granted permission to her to maintain the pay and use toilet for a period of one year from January, 2021, calling for E-Tender even before the expiry of one year period is erroneous.

5.However, on a perusal of the order dated 21.01.2021 issued in favour of the appellant by the respondent, it could be seen that as per Clause 13, the respondent was given power to cancel the agreement. Invoking the said provision, the respondent cancelled the permission dated 21.01.2021 granted in favour of the appellant and called for E-Tender. It cannot be contended that the respondent is powerless to cancel the agreement.

6.When the appellant herself had agreed for the terms and conditions stipulated in the order dated 21.01.2021, she cannot now turn around and say that calling for E-Tender by the respondent is erroneous. The respondent had acted as per the terms and conditions of the order, dated 21.01.2021. The learned Single Judge has rightly dismissed the Writ Petition.

7.In such view of the matter, we do not find any ground to interfere with the order passed by the learned Single Judge. Accordingly, the Writ Appeal is devoid of merits and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

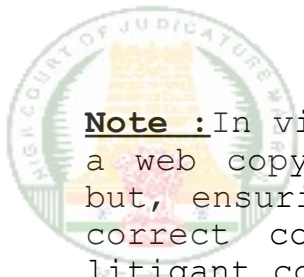
Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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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.

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To

The Commissioner,
Madurai Corporation,
Madurai.

W.A(MD)No.1956 of 2021

22.10.2021

NSN(CO)

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