



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.22527 of 2018

and

W.M.P. (MD) No.20377 of 2018

WEB COPY

M.Simson Raj

... Petitioner

Vs.

- 1.The Secretary to State Government
Municipal Administrative Department,
Municipal Administration and
Water Supply Department, Ezhilagam, Chennai.
- 2.The Commissioner of Municipal Administration,
Ezhilagam, Chennai.
- 3.The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar, Tirunelveli - 627 002.
- 4.The District Collector,
Kanyakumari District,
At Nagercoil.
- 5.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

6.Mr.N.Thamarai Bharathy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fifth respondent to conduct public auction in respect of pay and use toilet situated in beach road, Kanyakumari which is situated nearby sunset view point tower, consequently direct the first respondent to take appropriate action against the sixth respondent and other erred officials for having violated lease and poor maintenance of public toilets.

For Petitioner

: Mr.S.Balamurugan

For Respondent Nos.1 to 4

: Mr.A.K.Manickam

Standing Counsel for Government

For Respondent 5

: Mr.Aayiram K.Selvakumar



O R D E R

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

WEB COPY

We have heard Mr.S.Balamurugan, learned Counsel appearing for the petitioner, Mr.A.K.Manickam, learned Standing Counsel for Government appearing for respondents 1 to 4 and Mr.Aayiram K.Selvakumar, learned Counsel appearing for the fifth respondent.

2.This writ petition has been filed seeking for a direction upon the fifth respondent to conduct public auction in respect of pay and use toilet situated in beach road, Kanyakumari, which is situated nearby sunset view point tower and for a consequential direction to the first respondent to take appropriate action against the sixth respondent and other erred officials for having violated lease and poor maintenance of public toilets.

3.It is submitted that the period of license granted to the sixth respondent had expired in the year 2019. It is not clear as to whether any fresh tender has been called for. In fact, the sixth respondent had filed a writ petition in W.P.[MD]No.13103 of 2016, to quash the proceedings of the Town Panchayat dated 18.07.2016 and to extend the license period from 21.07.2016 to 20.07.2019 by accepting 20% over and above the existing lease amount. On account of the interim order granted in the said writ petition, the sixth respondent continued till its expiry. The said Writ Petition is dismissed as withdrawn, by order dated 14.07.2021.

4.In any event, the sixth respondent should proceed further in accordance with law, with regard to the license for the pay and use toilet in the beach road, Kanyakumari.

5.With the above observation, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

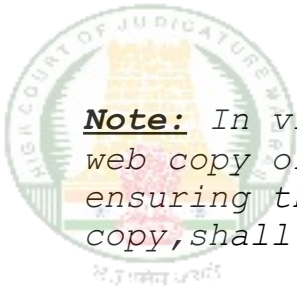
Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



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

- 1.The Secretary to Government,
Municipal Administrative Department,
Municipal Administration and
Water Supply Department,
Ezhilagam, Chennai.
- 2.The Commissioner of Municipal Administration,
Ezhilagam,
Chennai.
- 3.The Regional Director,
Municipal Administration,
Tirunelveli Region,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.
- 4.The District Collector,
Kanyakumari District,
At Nagercoil.
- 5.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari,
Kanyakumari District.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-22431[F] dated 14/07/2021)

+1 CC to M/s.SPL GP (SR-22940[F] dated 16/07/2021)

W.P. [MD]No.22527 of 2018

14.07.2021

MGJ(22.07.2021) 3P 8C