



W.P.(MD).No.14037 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14037 of 2012

and

M.P.(MD)Nos.1 and 3 of 2012

A.Rajan

... Petitioner

Vs.

- 1.The District Collector,
Office of District Collectorate,
Kanyakumari District
- 2.The Assistant Director of Panchayat,
Nagercoil Division,
Kanyakumari, Kanyakumari District.
- 3.The Executive Officer,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari, Kanyakumari District.
- 4.The Chairman,
Kanyakumari Special Grade Town Panchayat,
Kanyakumari, Kanyakumari District.
- 5.S.Azhagesan

6.Krishnakumar

... Respondents

***(R5 and R6 are impleaded as per the order
of this Court, dated 21.11.2012 in M.P.(MD)
No.2 of 2012 in W.P.(MD)No.14037 of 2012)***

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondent No.1 to cancel the resolution passed by the 4th respondent council, dated 30.10.2012 and to conduct public auction for leasing out the public toilets vested with the 4th respondent Town Panchayat within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R4 : Mr.S.Shanmugavel
Additional Government Pleader
For R5 and R6 : No appearance

ORDER

The present Writ Petition has been filed challenging a resolution passed by the Town Panchayat, wherein, a license was granted for running a public toilet for a period between 17.11.2012 to 20.01.2013.

2.According to the learned Counsel for the petitioner this license was granted in favour of R5 to R6 without conducting any public auction.

3.According to the learned Counsel for the petitioner, without



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conducting a public auction, license to run a paid toilet cannot be granted. However, as per the impugned resolution of the Town Panchayat, the period for which it was granted has expired in January 2013. Therefore, nothing survives to be adjudicated in the year 2022.

4.Hence, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2022

Index : Yes / No
Internet : Yes / No

Tmg

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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R.VIJAYAKUMAR ,J.

Tmg

To

- 1.The District Collector,
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- 4.The Chairman,
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Kanyakumari, Kanyakumari District.

Order made in
W.P.(MD).No.14037 of 2012

27.06.2022