



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2683 of 2022

and

W.M.P(MD)No.2368 of 2022

WEB COPY

Fathima

... Petitioner

Vs.

1.The Commissioner,
Srivilliputhur Municipality,
Virudhunagar District.

2.The Revenue Inspector,
Srivilliputhur Municipality,
Virudhunagar District.

... Respondents

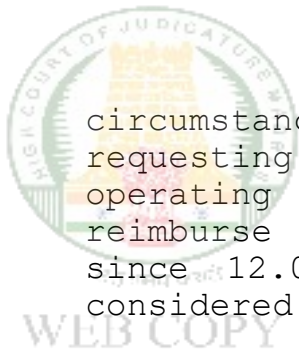
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to permit the petitioner to maintain the toilets at Perumalpatti Main Road, Srivilliputhur, Virudhunagar District, as per the lease agreement entered with the 1st respondent dated 25.06.2020 in Na.Ka.No.9727/2018/A3 and further direct the 1st respondent to reimburse the lease amount proportionate to the period of closure since 12.02.2022.

For Petitioner	:	Mr.B.Sekar
For Respondents	:	Mr.D.Sasikumar, Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to permit the petitioner to maintain the toilets at Perumalpatti Main Road, Srivilliputhur, Virudhunagar District, as per the lease agreement entered with the first respondent, dated 25.06.2020 and further to direct the first respondent to reimburse the lease amount proportionate to the period of closure since 12.02.2022, based on the petitioner's representations, dated 12.01.2022 and 20.01.2022, within a time frame to be fixed by this Court.

2.According to the petitioner, license was granted to him for running the aforementioned toilets and he was permitted to collect entry fees. According to him, the license for a period of three years commenced from 10.06.2020 to 10.06.2023. According to the petitioner, all of sudden, the toilets were closed by the respondents, even during the period of license. In such



circumstances, he has given the aforementioned representation requesting the respondents to permit the petitioner to continue operating the toilets and also requesting the first respondent to reimburse the lease amount proportionate to the period of closure since 12.01.2022. Since the said representations have not been considered till date, this writ petition has been filed.

3.No prejudice would be cause to the respondents, if the petitioner's representations are considered on merits and in accordance with law, as it is his case that despite having a valid license, arbitrarily and illegally the respondents have closed the toilets, disabling him to collect the entry fees as permitted under the license. He has also requested the first respondent to reimburse the lease amount proportionate to the period of closure since 12.01.2022.

4.This Court, therefore, directs the first respondent to consider the petitioner's representations dated 12.01.2022 and 20.01.2022 seeking permission to maintain the toilets at Perumalpatti Main Road, Srivilliputhur, Virudhunagar District, as per the lease agreement dated 25.06.2022 entered into with the first respondent and also consider the request for reimbursement of the lease amount proportionate to the period of closure since 12.01.2022 and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Srivilliputhur Municipality, Virudhunagar District.

2.The Revenue Inspector,
Srivilliputhur Municipality, Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-5691[F] dated 11/02/2022)

W.P. [MD]No.2683 of 2022

10.02.2022

AP(26.02.2022) 2P 4C

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