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W.P.No.25279 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 28.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.25279 of 2024  
and W.M.P.No.27617 of 2024**

M/s.Infinity Motors,  
Rep.by its Sole Proprietor,  
No.377, M.S.Nagar,  
Kurichi Privu, Podanur Main Road,  
Coimbatore-641 023.

... Petitioner

Vs.

1. The Director,  
The Medical Education and Research,  
Kilpauk,  
Chennai-600 010.

2.The District Collector,  
Office of the Collectorate,  
Coimbatore.

3.The Dean,  
Coimbatore Medical College Hospital,  
Coimbatore-600 018.

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the cancellation of the license issued to the petitioner concern vide order dated 21.08.2024 in Na.Ka.No.12662/ThiVa/2024 issued by the third respondent, quash the same and consequently, direct the third respondent to permit the petitioner concern to continue the maintenance of the public toilets situated at Coimbatore Medical College Hosptial, Coimbatore, as per the license dated 08.03.2024 issued to the petitioner concern.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.E.Sundaram  
Government Advocate

### **O R D E R**

This Writ Petition has been filed challenging the order dated 21.08.2024 issued by the third respondent canceling the license issued to the petitioner and for a consequential direction to the third respondent to permit the petitioner to continue the maintenance of the public toilets situated at Coimbatore Medical College Hosptial, Coimbatore, as per the license dated 08.03.2024 issued to the petitioner Concern.

2. The learned counsel appearing for the petitioner submits that



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the third respondent vide order dated 08.03.2024 has provided a license to the petitioner for maintaining the two public toilets situated inside Coimbatore Medical College Hospital, Coimbatore for the period from 01.04.2024 to 31.03.2027 with a condition that a sum of Rs.1/- has to be collected for urine and faeces purpose and a sum of Rs.3/- has to be collected for bathing from the general public and the petitioner is diligently following the conditions from the date of operation of license and has paid a sum of Rs.7,50,000/- towards the license fee for the year 2024-2025. While so, the third respondent vide impugned order dated 21.08.2024 canceled the license granted to the petitioner by stating that when the Commitment Committee of the Tamil Nadu State Legislature visited the Coimbatore Medical College Hospital and inspected the public toilets, they found that a sum of Rs.3/- is being collected from the general public for urinal purpose instead of Rs.1/- and the toilets are not maintained in a healthy atmosphere and the said Committee has recommended for canceling the license issued to the petitioner concern. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner submits that the present impugned order was passed without providing any opportunity to the petitioner and it is a clear violation of the principles of natural justice. Hence, he prays for appropriate orders.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. It appears that the Commitment Committee of the Tamil Nadu State Legislature visited the Coimbatore Medical College Hospital and inspected the public toilets and found that the petitioner, who has been granted license to maintain the two public toilets, is collecting Rs.3/- from the general public for urinal purpose, instead of Rs.1/- which is against the conditions imposed in the license and has not maintained the toilets in a healthy atmosphere and therefore, the Commitment Committee recommended for canceling the license issued in favour of the petitioner,



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pursuant to which, the license granted in favour of the petitioner was canceled vide impugned order dated 21.08.2024. When the toilet is situated inside the College, unless the petitioner maintains the toilet in a clean manner, there is a possibility of affecting the health of the public, who are using the toilets. Since the petitioner has not maintained the toilet in a clean manner and has collected more amount instead of collecting the amount fixed while granting license to the petitioner, the Committee has recommended to cancel the license granted in favour of the petitioner and thereby, the third respondent has canceled the license vide impugned order dated 21.08.2024. However, before passing the impugned order, there must be at least an opportunity to be given to the petitioner to put forth the case, however, such opportunity was not given to the petitioner. Hence, this Court, without interfering with the impugned order dated 21.08.2024, permits the petitioner to file an explanation before the third respondent within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to consider the same and pass appropriate orders as expeditiously as possible. Till such time, the third



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respondent is directed to engage the Government Service to maintain the toilets in a clean manner.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

**28.08.2024**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb

**Note:** Issue order copy on **29.08.2024**



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To  
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The Medical Education and Research,  
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Chennai-600 010.
2. The District Collector,  
Office of the Collectorate,  
Coimbatore.
3. The Dean,  
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**M.DHANDAPANI, J.**

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