



W.P(MD)No.18011 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18011 of 2024

and

W.M.P.(MD)Nos.15427, 15428 & 15429 of 2024

S.Fathima Beevi

... Petitioner

Vs.

1.The Commissioner of Corporation,
O/o.Madurai Corporation Office,
Anna Maligai,
Madurai.

2.The Assistant Executive Engineer,
O/o.Assistant Executive Engineer,
Region-4,
Madurai Corporation,
Madurai.

3.The Assistant Engineer,
O/o.Assistant Engineer,
Ward-49,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ma.Ye4/10885/2020 dated 26.07.2024 passed by respondent no.1 and quash the same as illegal and subsequently direct the respondent no.1 to permit the petitioner to continue in



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maintaining the Public Toilet within an ambit of Respondent no.1 situated at Keelaperumal Mesthiri Street, Old Vettrillaipettai madurai till her Rental period came to be ceased.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.K.K.Kannan

ORDER

Heard both sides.

2. The petitioner was granted license to run the petition mentioned public toilet. At Page No.23 of the typed set of papers, the copy of the proceedings issued by the Commissioner has been enclosed. The proceedings issued in January 2021 had permitted the petitioner to run the toilet for one more year therefor. It appears that the petitioner has continued to run the toilet. But as on date, the petitioner is not having any proceedings in her favour. When the petitioner is not having any written permission in her favour, the question of writ Court in issuing mandamus will not arise at all. By the impugned order, the petitioner has been called upon to surrender the toilet. The question of interference with the same does not arise at all. At page No.33 of the typed set of papers, the receipt issued by the corporation indicates that a sum of



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Rs.48,852/- has been remitted for the period from September 2024 to February 2025. The said amount shall be returned to the petitioner forthwith and without any delay by the first respondent.

3. The writ petition is dismissed with the aforesaid direction to the first respondent. No costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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