



W.P.(MD)No.21317 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21317 of 2024
and W.M.P.(MD)No.18050 of 2024

Muthurakku

... Petitioner

Vs.

1.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
Mrc Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Commissioner,
Manamaduai Municipality,
Manamadurai - 630606.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the 2nd respondent from conduct any auctions or tenders for latrine in Manamadurai New Bus Stand Campus till end of the petitioner's latrine tender permission tenure (i.e., 31.03.2025) based on the petitioner's representation dated 25.07.2024 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.R.Senthilkumar
For Respondents : Mr.D.Gandhiraj,
Spl. Govt. Pleader for R1
Mr.A.Kathiravan for R2

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the 2nd respondent from conducting any auctions or tenders for latrine in Manamadurai New Bus Stand Campus, till the end of the petitioner's latrine tender permission tenure (i.e., 31.03.2025), based on the petitioner's representation dated 25.07.2024, within a stipulated time that may be fixed by this Court.

2. Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the first respondent and Mr.A.Kathiravan, learned counsel takes notice for the second respondent.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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4. It is the case of the Writ Petitioner that the petitioner has awarded a tender for running latrine in New Bus stand at Manamadurai in the year 2023. Thereafter, the 2nd respondent extended the said tender permission for another one year from 03.06.2024 to 31.03.2025 and he is functioning the said latrine by proper manner. In the circumstances, now the 2nd respondent has constructed a new latrine and tried to conduct a new tender auction. Hence, the petitioner made a representation on 25.07.2024, for forbearing the respondents to conduct new latrine tender auction upto the end of his tender period ie., 31.03.2025. Since, the said representation was not considered by the respondents, the petitioner has filed this Writ Petition.

5. The learned counsel appearing for the petitioner would submit that since the petitioner's license period is valid upto 31.03.2025, if the new latrine is opened, the collection to the petitioner's latrine will be affected and therefore, seeks for the aforesaid relief.

6. At the out set, this Court is of the view that there is no merit in this Writ Petition as when the Government has constructed a new latrine, the petitioner cannot seek for a direction to not to open the new latrine by way of representation



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and it is upto the Government to issue a new tender auction for running the new latrine. Therefore, this Writ petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.09.2024

NCC : Yes/No
Index : Yes/No
vsm



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