



W.P.(MD).No.21816 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.21816 of 2017

and

W.M.P.(MD)Nos.18112, 18113 and 18114 of 2017

Sri Kulanthayananda Swamy
Magalir Sirusemippu and Sikkana Nanaya Sangam,
Represented by its President,
Raajeshwari

...Petitioner

Vs

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Commissioner,
The Corporation of Madurai,
Aringnar Anna Maligai,
Madurai – 625 002.
- 3.The City Health Officer,
The Corporation of Madurai,
Aringnar Anna Maligai,
Madurai – 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorari, to call for the entire records, relating to the impugned order, passed by the second



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respondent vide his proceedings in MaVa3/30110/17 dated 21.11.2017
and to quash the same.

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For Petitioner : Mr.M.S.Jeya Karthik
For R-1 : Mr.R.Suresh Kumar
Additional Government Pleader
For R-2 : Mr.K.K.Kannan
Advocate Commissioner: Mr.Y.Jegadeesh

ORDER

Heard the learned counsels on either side.

2. The Writ Petition had been filed challenging the order of cancellation of the license given to the petitioner for maintaining the toilets at Southern side of the Periyar Bus Stand, Madurai.

3. The primordial contention of the petitioner is that no reasons have been assigned by the respondents while issuing the impugned order. The same has been contested by the respondents by alleging that the petitioner has not maintained the public toilet and therefore, the allotment was cancelled. When the matter was taken up for hearing, this



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Court vide order dated 18.01.2024 had appointed one Mr.Y.Jagadeesh as

Advocate Commissioner to ascertain the present condition of the toilet and file a report before this Court. A report had been filed by the learned Advocate Commissioner along with photos indicating that the toilets have not been maintained properly at all. While inspecting, he found that the floor of the Gent's toilet was severely damaged and was much worse in sanitation and hygiene than the women's toilet. He had indicated even it is very difficult to breathe inside the toilet.

4. The petitioner, being the Sangam, has been entrusted with the responsibility of maintaining the toilets in a public place, particularly upon receiving payment from the users of the public toilet. It is incumbent upon the petitioner to maintain the toilets in a hygienic condition. This Court also takes judicial notice of the fact that poorly maintained toilets can become breeding grounds for diseases. In such circumstances, even though the impugned order does not contain reasons that would necessitate interference, this Court is not inclined to interfere with the impugned order in this Writ Petition, in light of the specific report of the learned Advocate Commissioner.



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WEB COPY 5. In fine, the Writ Petition fails and accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

04.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Collector,
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Madurai.
- 2.The Commissioner,
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Aringnar Anna Maligai,
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K.KUMARESH BABU, J.

Nsr

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