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W.P.No.4462 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.4462 of 2025

K.Ganeshkumar

... Petitioner

vs.

1. The Commissioner,
Commissionerate of Municipal Administration,
No.3, Mrc Nagar, RA Puram,
Chennai 600 028.

2. The Commissioner,
Coonoor Municipality,
Coonoor, The Nilgiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the first respondent to forthwith grant permission to adjust a sum of Rs.2,32,166/- towards the license fee payable by the petitioner for the Pay and Use Toilet for the year 2025-2026 (01.04.2025 to 31.03.2026) as per the recommendation of the 2nd respondent by proceedings in Na.Ka.No.A4/3977/2023 dated 23.09.2024.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.M.S.Premkumar



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Govt.Advocate

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ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The present writ petition has been filed to issue a writ of mandamus directing the first respondent to forthwith grant permission to adjust a sum of Rs.2,32,166/- towards the license fee payable by the petitioner for the Pay and Use Toilet for the year 2025-2026 (01.04.2025 to 31.03.2026) as per the recommendation of the 2nd respondent by proceedings in Na.Ka.No.A4/3977/2023 dated 23.09.2024.

3. It is the case of the petitioner that the second respondent issued Tender-cum-Auction Notice dated 10.01.2024 inviting tenders for various categories of license. The petitioner applied for issuance of license to collect fee for the pay and use Toilet at Arignar Anna Bus Stand, Coonoor for the period of three years from 01.04.2024 to 31.03.2027. It was indicated in the Auction Notice that auction held on 30.01.2024, the petitioner participated in the auction for the item no.2 by paying Tender



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Deposit as per the terms and conditions of the Tender-cum-Auction Notice.

The petitioner was the successful bidder by offering a sum of Rs.7,96,000/- for the first year. For the 2nd and 3rd year, the petitioner has to pay additional 5% of the said amount. The license was issued in his favour by the proceedings of the 2nd respondent dated 25.03.2024. Since the petitioner has paid higher amount for the 1st year, a sum of Rs.2,32,166/- should be adjusted towards the license fee payable for the second year 2025-2026. Accordingly, the 2nd respondent by proceedings dated 23.09.2024 recommended to the 1st respondent to grant permission to adjust the said sum for the second year 2025-2026. The petitioner sent a representation dated 07.01.2025 to the second respondent and another representation dated 10.01.2025 to the first respondent requesting to give permission to adjust the said sum towards the amount payable for the second year 2025-2026. Thereafter, the 2nd respondent has recommended for permission as early as September, 2024, but till date, the 1st respondent has not granted the permission. The petitioner has to pay the license fee for the 2nd year before March 2025. Till date, the 1st respondent has not taken any steps on the representation of the petitioner and on the recommendation of the second respondent. Aggrieved by the same, the petitioner has filed the present writ petition.



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4. The learned counsel appearing for the petitioner submitted that the writ petition has been filed for granting of license to pay and use Toilet at Arignar Anna Bus Stand, Coonoor. He further submitted that in this regard a proposal was forwarded by the 2nd respondent dated 23.09.2024 to the 1st respondent and the same is not considered till date.

5. The learned Government Advocate appearing for the respondents submitted that the proposal was sent by the second respondent dated 23.09.2024 to the first respondent and the same will be considered on merits and in accordance with law, within a time frame stipulated by this Court.

6. Heard the learned counsel appearing on either side and also perused the materials available on records.

7. In view of the submissions made by the learned counsel on either side, the first respondent is directed to consider the proposal sent by the second respondent dated 23.09.2024, on merits, in accordance with law and pass appropriate orders, within a period of two weeks from the date of



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receipt of a copy of this order.

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8. This writ petition stands disposed of with the above direction. No costs.

19.02.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

Note: Issue order copy on 20.02.2025

To

1. The Commissioner,
Commissionerate of Municipal Administration,
No.3, Mrc Nagar, RA Puram,
Chennai 600 028.
2. The Commissioner,
Coonoor Municipality,
Coonoor, The Nilgiri District.

J.SATHYA NARAYANA PRASAD, J.

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