



WEB COPY



W.P.No.96 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.96 of 2025
and
W.M.P.No.116 of 2025

M.Sudha

...Petitioner

-Vs-

1.The Director of Municipal Administration,
O/o Door No.75, Urban Administrative Building,
Santhom Highway Road, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Director of the Municipal Zonal,
O/o Corporation Commissioner Office Complex,
P-14-1109, Near TK Market,
Townhall, Coimbatore District – 641 001.

3.The Commissioner,
O/O. Vaalparai Municipal Commissioner Office,
Vaalparai,
Coimbatore District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorari and Mandamus, calling for the records pertaining to the issuance of the notice of the 3rd respondent in Na.Ka.No.490/2022/A1, dated 17.12.2024 and quash



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the same and consequently direct the 3rd respondent to reduce the lease amount for the second year, to remove the encroachment near the water tank and to close the public toilet opened without proper norms and bidding and pass such further orders.

For Petitioner : Mr.L.Sarath Pandian
for Mr.S.Manoharan

For Respondents : Dr.T.Sreenivasan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the issuance of the notice of the 3rd respondent in Na.Ka.No.490/2022/A1, dated 17.12.2024 and quash the same and consequently directing the 3rd respondent to reduce the lease amount for the second year, to remove the encroachment near the water tank and to close the public toilet opened without proper norms and bidding.

2. The case of the Petitioner is that she submitted her bidding for running the Valparai Municipality's Public Toilet on 30.11.2023 for a period of three years and deposited a sum of Rupees 1 lakh as a deposit and paid a bidding sum of Rs.4,40,000/- (Rupees Four Lakhs and Forty Thousand Only)



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for the first year.

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3. The grievance of the Petitioner is that there was no bathroom, no separate toilet for disabled persons nor western toilet installed. Hence, she filed a complaint on 01.03.2024 before the Valparai Municipality and the District Collector of Valparai. Thereafter, the Petitioner was issued a notice from the 3rd respondent vide Na.Ka.No.490/2022/A1, dated 17.12.2024, stating that she has paid only Rs.3,00,000/- from 01.12.2023 to 30.11.2024 and to pay arrear amount of Rs.1,39,200/- within 24 hours. Also, she has to pay the enhanced lease amount of Rs.4,53,474/- for the second year, from 01.12.2024 to 30.11.2025 within three days; if not, her lease rights will be cancelled and the deposit amount will be forfeited. Aggrieved by the same, the Petitioner has come up with the present Writ Petition.

4. Learned counsel appearing for the petitioner would submit that she is unable to manage the toilet, as one named Rajasekar and his wife balamani, the owners of Ponvandu Utensil Shop have set up a temporary godown near the water tank and blocked the way by loading up their utensil-related stuff in the pathway. The area where the water tank is located is being encroached by them, and the common people are hesitant to visit the



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toilet, thinking it lacks proper water supply, and her livelihood is highly affected due to the same.

5. It is further submitted that there is a paid public toilet located 50 ft. away from the market. It is very close to the public toilet she has taken for. But it was not in a proper condition for public use. All of a sudden, without any notification or auction and without asking the opinion of the Petitioner, the 3rd respondent along with other lower level authorities, has permitted a few persons known to him to use the pay toilet on a commission basis for the past 6 months. However, she has paid Rs.5,40,000/- (Rupees Five Lakh and Forty Thousand) as the bidding amount and for running the paid public toilet. Due to the colluded act of the 3rd respondent along with the low level officials, the petitioner's income has been affected very much and reduced drastically.

6. Learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner dated 08.10.2024 would be considered on merits, in accordance with law within a time frame stipulated by this Court.



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7. Heard both sides and perused the materials available on record.

8. Without going into the merits of the case, this Court is inclined to issue the following directions:

- a) The third respondent is directed to consider the representation of the petitioner dated 08.10.2024 on merits, in accordance with law, and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order.
- b) While considering the representation of the petitioner, the third respondent shall take into consideration that the petitioner is a physically challenged person and her husband had lost both legs in a road accident, due to which he does not have any job.

In the result, the writ petition stands disposed of with the above observation and directions. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2025

cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

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