



W.P.(MD)No.10315 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10315 of 2025

and

W.M.P.(MD)Nos.7695 and 7696 of 2025

Chokkalingam

... Petitioner

-VS-

1.The District Collector,
Dindigul District, Dindigul.

2.The Commissioner,
Kodaikanal Municipality,
Dindigul District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in Na.Ka.No.6/2022/A3, dated 28.03.2025, quash the same and consequently, direct the respondent not to evict the petitioner from the public rest room at Kodaikanal bus stand, Dindigul District, till the end of his tender tenure period of 31.03.2027.

For Petitioner : Mr.P.Samuel Gunasingh
for Mr.N.Balasubramanian



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For R1 : Mr.C.Venkatesh Kumar
Special Government Pleader

For R2 : Mr.T.S.Mohamed Mohideen
Standing Counsel

ORDER

This Writ Petition has been filed seeking to quash the order passed by the second respondent in Na.Ka.No.6/2022/A3, dated 28.03.2025 and a consequential direction to the respondents not to evict the petitioner from the public rest room at Kodaikanal bus stand, Dindigul District, till the end of his tender tenure period of 31.03.2027.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. The learned counsel for the petitioner submits that the petitioner successfully became the highest bidder for running the public toilet and deposited Rs.2 Lakhs on 03.11.2023. The second respondent issued the allotment order on 02.04.2024 and the petitioner has been peacefully running the public toilet for the past one year. However, at the request of the first respondent, the impugned order



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was passed, evicting the petitioner. Hence, the petitioner had submitted a representation to the second respondent on 05.03.2025, which was not considered. The petitioner challenges the impugned order on the ground of violation of natural justice, as the petitioner was not provided a fair opportunity to be heard. Therefore, the learned counsel for the petitioner submits that this Court set aside the impugned order and direct the second respondent to consider the petitioner's representation in a fair and impartial manner.

4. The learned Special Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent submit that there is no merit in the challenge to the impugned order in this Writ Petition. If at all, the petitioner is aggrieved, he should file an appeal in terms of Section 115 of the Tamil Nadu Urban Local Bodies Act, 1998 and the said appeal will be decided by the first respondent within a time frame as fixed by this Court.

5. Heard both sides.



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6. Considering the above submissions, this Court directs the petitioner to file an appeal before the first respondent under Section 115 of the Tamil Nadu Urban Local Bodies Act, 1998, within one week from today. Upon filing such an appeal, the first respondent is directed to dispose of the appeal on merits and in accordance with the law, within a further period of one week thereafter. It is also made clear that, if the appeal is not decided within the stipulated time frame as fixed by this Court, the petitioner shall be allowed to continue with his business.

7. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : Yes / No

09.04.2025

Index : Yes / No

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Note:- Issue order copy on 09.04.2025.

To:-

1.The District Collector,
Dindigul District, Dindigul.



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2. The Commissioner,
Kodaikanal Municipality,
Dindigul District.



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VIVEK KUMAR SINGH, J.

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