

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 23.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.14435 of 2016

and

W.M.P.Nos.12621 & 12622 of 2016

K.Marimuthu

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Market Committee (WEST),
CMDA Building, Egmore, Chennai - 8.

2. The District Collector,
Tamil Nadu State Market Committee,
Tiruvallur District (W).

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records relating to the 2nd respondent's order made in Na.Ka.No.A6/1028/2015 dated 29.02.2016, to quash the same and to consequently direct the respondents to allow the petitioner to continue to run the shop No.8754 or in the alternate to forthwith refund the advance amount with interest thereon which is lying with the respondents.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.C.Kasi Rajan
Standing Counsel for TASMAC

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.C.Kasi Rajan, learned Standing Counsel for the respondents and with their consent, the Writ Petition itself is taken up for final disposal.

2.The petitioner, who was a licensee of the respondent TASMAC, who was granted a license to collect empty bottles, cartons and sale of eatables in the bar attached to the retail shop No.8754, Minjur, Ponneri, has filed this writ petition challenging the cancellation of license granted on the ground that the petitioner has not remitted the license fee for the month of January and February within the time stipulated.

However, from the receipts issued by the respondents, it is

seen that for the month of December, 2015, the petitioner had paid the money on 11.01.2016 while the cut off date was on 05.01.2016. Similarly for the month of January, 2016, the license fee ought to have been paid on or before 05.02.2016, but the petitioner has paid it with the delay of five days on 10.02.2016.

3. It is not in dispute that both the license fee has been accepted by the respondents. However, on 29.02.2016 the license has been cancelled. Though there is a delay, the delay is not extraordinary and considering the fact that several licenses failed to accept the upset price fixed by the TASMAC and filed several writ petitions, in this case, the respondents should show a little leniency and admittedly, the petitioner has paid the license fee though belatedly.

4. The learned Standing Counsel for the respondents submitted that as per terms and conditions of license, belated payment would attract interest.

5. Considering the fact that the delay is very negligible, the petitioner should be put on terms to enable him to enjoy the license for the remaining period. Accordingly, the petitioner is directed to pay a sum of Rs.7,500/-, which shall be constructed as the interest for the belated payment and on effecting such payment, the impugned order shall stand set aside and the petitioner will be entitled to enjoy the license for the remaining period.

6. The Writ Petition is allowed, with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//सत्यमेव जयते

sgl
To

Sub Assistant Registrar

1. The Managing Director,
Tamil Nadu State Market Committee (WEST),
CMDA Building, Egmore, Chennai - 8.

2. The District Collector,
Tamil Nadu State Market Committee,
Tiruvallur District (W).

+1cc to Mr.C.Kasi Rajan, Advocate, S.R.No.35337

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.35367

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