

In the High Court of Judicature at Madras

Dated : 05.1.2016

Coram

The Honourable Mr.Justice T.S.SIVAGNANAM

W.P.No.80 of 2016

T.Saraswathi

...Petitioner

Vs

- 1.The Director of Municipal Administration,
Commissionerate of Municipal Administration,
Ezhilagam Annexe, Chepauk, Chennai-5.
- 2.The Commissioner, Palladam Municipality,
Municipal Administration cum Water Supply
Department, Palladam, Tirupur District. ...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to refund the proportionate lease amount for the period of 198 days lost in the renovation of Palladam Bus Stand, Palladam, Tirupur District along interest to the petitioner out of the lease amount of Rs.11,03,050/- deposited with the second respondent herein for the year 2014-2015 on the basis of the petitioner's representation dated 19.10.2015.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent-1 : Mr.R.Rajeswaran, SGP

For Respondent-2 : Mr.Roofus Abraham, GA

ORDER

Mr.R.Rajeswaran, learned Special Government Pleader accepts notice for the first respondent. Mr.Roofus Abraham, learned Government Advocate takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was granted a licence for collecting entry fee for the buses entering into Palladam Bus Stand from 1.4.2012 to 31.3.2015. During the period from 3.8.2014 to 17.2.2015, the second respondent Municipality closed down the bus stand for renovation work and for re-laying of roads. According to the petitioner, for about 198 days, he was prevented from collecting entry fees, as no buses entered into the bus stand.

3. Therefore, the petitioner approached the second respondent by way of a representation either to extend the licence for a period of 198 days or to return the proportionate licence fee. The representation of the petitioner was considered by the Council of the second respondent and a resolution was passed on 17.11.2014 bearing resolution No.337/2014 and the Commissioner of Palladam Municipality, by proceedings dated 1.4.2015, sought approval from the first respondent. The matter is now pending consideration of the first respondent and since no further action has been taken, again the petitioner has submitted a representation to the second respondent on 19.10.2015, for which, the petitioner was not favoured with the reply, which necessitated the petitioner to approach this Court.

4. In the light of the above facts, without going into the merits of the case, the writ petition is disposed of with a direction to the first respondent to take note of the decision taken by the second respondent in its Council Meeting held on 17.11.2014 and take a final decision in the matter pursuant to the communication sent by the second respondent Municipality dated 1.4.2015, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Director of Municipal Administration,
Commissionerate of Municipal
Administration, Ezhilagam Annexe, Chempauk, Chennai-5.

2.The Commissioner, Palladam Municipality, Municipal
Administration cum Water Supply Department,
Palladam, Tirupur District.

1 cc to Mr.P.M. Duraiswamy, Advocate, Sr. 446

1 cc to government Pleader, Sr. 617

RS

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