

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.02.2019

CORAM
THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.4780 of 2019

K.Murugesan

.. Petitioner

Vs.

1.The Municipal Commissioner,
Kallakurichi Municipality,
Salem Main Road, Anna Nagar,
Kallakurichi 606 202.

2.The District Collector,
Villupuram 605 602.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS directing the respondents to consider the petitioner's representation dated 04.02.2019 requesting to enhance the toll amount for day shops and vehicles based on the lease granted by Kallakurichi Municipality vide their proceedings 31.03.2018 in Na.Ka.No.A2/3111/2017 and also to grant further time for payment of the balance lease due and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For petitioner : Mr.D.Parvethan

For R1 : Mr.P.Srinivas

For R2 : Mr.B.Anand
Government Advocate

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O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS directing the respondents to consider the petitioner's representation dated 04.02.2019 requesting to enhance the toll amount for day shops and vehicles based on the lease granted by Kallakurichi Municipality vide their proceedings 31.03.2018 in Na.Ka.No.A2/3111/2017 and also to grant further time for payment of the balance lease due and pass orders as this Court may deem fit and proper in the circumstances of the case.

2.By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the learned counsel for the petitioner, the petitioner is the successful bidder of Lease Hold License for collecting toll/day rent from the Street Vendors and Vehicles for the tender amount of Rs.55,05,000/-. Out of Rs.55,05,000/- the petitioner had made a payment of Rs.25,00,000/- (Rupees twenty five lakh only) and assured to pay the remaining amount within three months. The petitioner was not able to make it in time due to the reason, that Rental Amount was very less and the same was not enhanced for the past seven to eight years.

4.The petitioner has made a representation to the respondents requesting to enhance the toll amount for day shops and vehicles based on the lease granted by the Municipality, but no order has been passed by the respondents. Hence the present writ petition is filed.

5.The learned counsel appearing for the respondents would submit that the petitioner made a representation for enhancement of lease amount and a lease agreement has been entered between the parties, but admittedly the factual position stands that the respondent parties have not passed any orders.

6.Considering the same, without expressing any opinion on merits of the case, this Court is inclined to direct the respondents to consider the petitioner's representation dated 04.02.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7.Accordingly, the writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Municipal Commissioner,
Kallakurichi Municipality,
Salem Main Road, Anna Nagar,
Kallakurichi 606 202.

2.The District Collector,
Villupuram 605 602.

+1cc to Mr.P.Parvethan, Advocate, S.R.No.15302
+1cc to Mr.P.Srinivas, Advocate, S.R.No.15981
+1cc to the Government Pleader, S.R.No.16029

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SSI (CO)

RRS (02/04/2019)



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