IN THE HIGH COURT OF MANIPUR : AT IMPHAL

W.P.(C) No. 641 of 2020

M/S T. Gopal Singh & Sons ***... Petitioners***

-Versus-

State of Manipur & 2 ors. ***...Respondents***

B E F O R E
HON'BLE MR. JUSTICE KH. NOBIN SINGH
(Video Conference)

21.12.2020

Heard Ms. Geetarani, learned counsel appearing for the petitioner; Mr. Y. Nirmolchand, learned Sr. counsel for respondent Nos. 2 & 3 and Mr. Athouba Kh., learned GA for respondent No. 1.

By the instant writ petition, the petitioner's association has prayed for issuing a writ of mandamus or any other appropriate writ to direct the respondents and in particular, respondent No. 3 to consider and dispose of the representation dated 19.10.2020. According to the petitioner, in view of an interim order passed by this Court in a writ petition being W.P.(C) No. 819 of 2019, a settlement was arrived at between the parties and consequently, the Municipal Commissioner, Imphal Municipal Corporation issued an order dated 06.11.2019. The said writ petition had been disposed of on 16.10.2019.

By the said order dated 06.11.2019, the earlier notice dated 13.09.2019, order dated 26.09.2019 and 28.09.2019 were reviewed with the result that the order dated 29.12.2018 became operative allowing the petitioner to collect entry toll tax from toll gates within the jurisdiction of Imphal Municipal Corporation for the period from 31.12.2018 to 30.12.2020. In continuation of the said order dated 29.12.2018, an

agreement dated 29.12.2018 was also signed between the parties for smooth transaction and collection of toll tax from the toll gates.

While the petitioner association was performing duties and business smoothly, the collection of toll tax from toll gates was put in a complete hold from the 3rd week of March, 2020 due to the Covid-19 pandemic, because of which prohibition in the entry of goods vehicles particularly inter-state and inter-district was imposed. Accordingly, the petitioner submitted a representation dated 19.10.2020 to the Mayor, Imphal Municipal Corporation for extending the period of non-performance or non-collection of toll tax during the lockdown period but the same is still pending for consideration by it.

When the matter is taken up for consideration, it has been submitted by Ms. Geetarani, learned counsel for the petitioner that the instant writ petition can be disposed of by issuing an innocuous order. Accordingly, writ petition stands disposed of with the direction that the respondents and in particular, the Mayor, Imphal Municipal Corporation, respondent No. 3 herein shall consider the said representation dated 19.10.2020 and dispose of the same on or before 29.12.2020 by issuing a speaking order.

Copies of this order shall be sent to the learned counsels appearing for the parties through their WhatsApp/e-mail.

JUDGE

Dhakeshori

Yumkham Rother
Digitally signed by Yumkham Rother
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