

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No. 16287 of 2020

1. G.Jayaprakash
2. G.Selvaraj
3. N.Sabarinathan
4. R.Panneerselvam
5. A.Samath Batcha
6. V.Sallvangan
7. R.Durai Subramaniam
8. J.Kamalam
9. P.Muralikrishna
10. Mahesh
11. V.P.Kandavel Muthu Krishnasamy
12. K.Appusamy
13. J.Lathapriya
14. Balasubramaniam
15. M.Subash

... Petitioners

Vs.

1. The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore.

2. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department
(MA IV) Secretariat, Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent herein in G.O.(D) No.298, dated 02.09.2020 insofar as fixes 31.05.2020 as the outer limit for the relief of rent waiver and quash the same and consequently direct the second respondent herein to extend the relief of rent waiver up to 30.09.2020.

For Petitioner : Mr.Srinath Sridevan

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

This Writ Petition has been filed by lessees who have been allotted small shops at Pollachi Bus Stand Complex, challenging the impugned Government Order issued by the second respondent.

2. The case of the petitioners is that they are all lessees in the shops that was allotted to them by the first respondent at Pollachi Bus Stand Complex and it is claimed that they have been running their business for nearly ten years.

3. The further case of the petitioners is that their business is dependent on the functioning of the bus stand. However, due to the pandemic situation, there was a complete lock down from the month of March-2020. According to the petitioners, till September-2020, the lock down continued and the bus services were not operated and as a result of the same, there was absolutely no business for the petitioners.

4. The petitioners made a representation on 03.07.2020 through their Welfare Association seeking for waiver of the lease amount during the period of lock down from the month of April 2020 to September 2020. A similar such request made by various other persons was also taken into consideration and it resulted in the issuance of the impugned Government Order dated 02.09.2020.

5. The main grievance expressed by the petitioners is that the impugned Government Order confined the waiver of payment of the lease amount only for the period from 01.04.2020 to 31.05.2020. According to the petitioners, there was absolutely no reason as to why the waiver was confined to this period alone when it is a known fact that there was a lock down for the period from April-2020 to September-2020. The petitioners are expressing a genuine grievance that they are not in position to pay the lease amount since there was absolutely no business for the period from the month of April-2020 to September-2020. The petitioners made a representation in this regard to the second respondent on 29.10.2020 to reconsider and grant waiver of the payment of lease amount from April-2020 to September-2020. Since this representation was not considered by the respondents, the petitioners have approached this Court challenging the impugned Government Order issued by the second respondent.

6. Heard Mr.Srinath Sridevan, learned counsel for the petitioner and Mr.E.Balamurugan, learned counsel appearing on behalf of the respondents.

7. In the considered view of this Court, this Court does not find any ground to interfere with the impugned Government Order

issued by the second respondent, dated 02.09.2020. The second respondent had taken into consideration various proposals received from various quarters and had taken a decision to grant waiver of payment of the lease amount for a limited period. The reason as to why the waiver was confined for a very limited period is an issue into which, this Court would not want to go into and conduct an enquiry. These are administrative decisions which are taken by considering various factors and it will be more appropriate for the Courts to keep their hands away and not interfere with such administrative decisions unless this Court finds something palpably wrong with the Government Order.

8. The representation made by the petitioners through their Association to the second respondent requires consideration since these are small time shop owners whose business is entirely dependent upon the crowd that visits the bus stand complex. Apart from this crowd, which comes to the bus stand, there is no other scope for these shop owners to expand their business. Therefore, the request made by the petitioners, on the face of it looks very genuine. It will be therefore appropriate to direct the second respondent to consider the representation made by the petitioner through their Association and see if any further waiver can be granted on the payment of the lease amount. This Court would not have ventured into giving such a direction under normal circumstances. But, however, taking into consideration the peculiar situation that is prevailing due to the pandemic that has hit the entire humankind, this Court is inclined to issue such directions to the second respondent.

9. In view of the above, there shall be a direction to the petitioners to make a fresh representation to the second respondent by providing all the particulars and annexing all the documents and make a request for the waiver of the lease amount for a longer period. The second respondent, on receipt of the representation, shall consider the same, both from the stand point of view of the administration as well as from the humanitarian point of view and shall take a decision within a period of six weeks from the date of receipt of the representation from the petitioners through their Association.

10. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

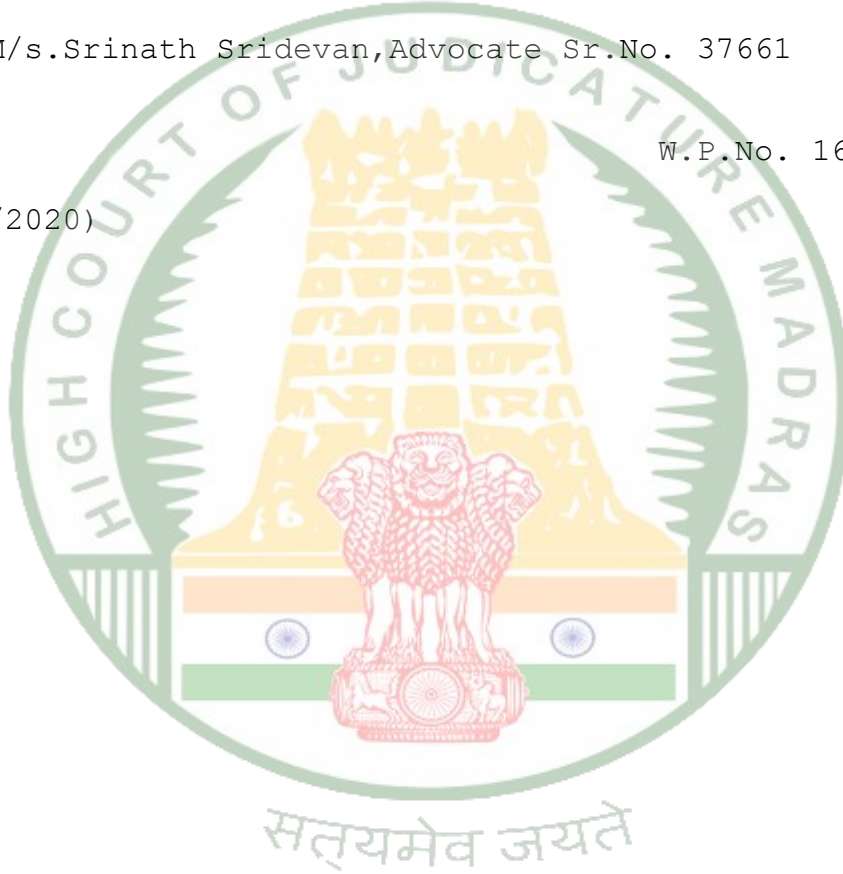
1. The Commissioner,
Pollachi Municipality,
Pollachi, Coimbatore.

2. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department
(MA IV) Secretariat, Chennai.

+1 cc to M/s.Srinath Sridevan, Advocate Sr.No. 37661

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SR(CO)
RMP(14/12/2020)



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