

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2020
CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.18596 of 2020

G. Arunachalam

..Petitioner

Versus

1.The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secreteriat, Chennai 600 091.

2.The Commissionerate of Municipal
Administration, Ezhilagam,
Chepauk, Chennai 600 005.

3.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

..Respondents

Prayer Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to consider and pass appropriate orders on the petitioner's representation dated 05.11.2020, requesting the 3rd respondent herein to refund the amount of Rs.10,14,120/- being the amount paid for 192 days during which period the petitioner was ordered to stop collecting fees from road side shops.

For Petitioner : Mr.V. Prakash Babu

For Respondents : Mr.Ardul Doss, Govt. Advocate
for R1 and R2.

: Mr.L.P.Maurya, Standing Counsel
for R3.

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ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 5.11.2020, wherein, the petitioner is requesting the 3rd respondent to refund an amount of Rs.10,14,120/- which amount represents the period during which the petitioner was ordered to collect fees from the road side shops.

2. Heard Mr.V.Prakash Babu, learned counsel for the petitioner and Mr.Aruldass, learned Govt. Advocate appearing for the respondents 1 and 2 and Mr.L.P.Maurya, learned Standing counsel appearing for the 3rd respondent.

3. The case of the petitioner is that he was granted license by the 3rd respondent to collect payments from the road side temporary shop owners in Thiruvannamalai Municipal Limit for the period from 2018-19 up to 2020-21. The further case of the petitioner is that he has paid the entire license amount for each year and in so far as the period from 2020-21 is concerned, the petitioner has paid licence fee of Rs.20,28,239/-.

4.The grievance of the petitioner is that from 22.3.2020, due to the lock down announced by the Government, all the road side shop owners were asked to close down business and the complete shutdown continued till 30.09.2020. Therefore during these 192 days, the petitioner was not able to collect any payments from the road side shop owners. Therefore according to the petitioner, he had sustained a loss of Rs.10,14,120/- . The petitioner wants the 3rd respondent to refund this amount out of the total amount of Rs.20,28,239/- that has already been paid by the petitioner to the 3rd respondent. Since the representation made by the petitioner was not considered, the present Writ Petition has been filed before this Court.

5.The learned standing Counsel appearing on behalf of the 3rd respondent submitted that the representation made by the petitioner will be considered in line with the terms and conditions of the auction and also in line with GO.(D) No.298, dated 2.9.2020. The learned counsel submitted that for whatever amount the petitioner is entitled for refund, the same will be made within the time fixed by this Court.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner on 5.11.2020 and pass orders in line with the terms and conditions of auction and also the relevant Government Order, within a period of four weeks from the date of receipt of a copy of this order. Any amount to which the petitioner is entitled for refund, shall also be paid within the time stipulated by this Court.

7. This Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1.The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Secreteriat, Chennai 600 091.

2. The Commissionerate of Municipal
Administration, Ezhilagam,
Chepauk, Chennai 600 005.

3.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.

+1cc to Mr.V.Prakash Babu, Advocate, S.R.No.40988

+1cc to Mr.K.P.Maurya, Advocate, S.R.No.40830

+1cc to the Government Pleader, S.R.No.40931

W.P.No.18596 of 2020

NMI (CO)
KKV/08/01/2021

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