



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8805 of 2020

and

W.M.P(MD).Nos.8070 and 8072 of 2020

WEB COPY

S.Lakshmanan

... Petitioner

Vs.

1.The Commissioner
Madurai Corporation
Madurai

2.The Assistant Commissioner (Revenue)
Madurai Corporation
Madurai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent made in Ma.Va4/7458/2020 dated 18.06.2020, Ma.va4/8528/2020 dated 02.07.2020 and Ma.va4/000671/2020 dated 20.07.2020, quash the same insofar as levy of 18% belated payment charges and consequentially direct the respondents either to extend the license period in lieu of complete lock down period or reduce the license fee in proportionate for the lock down period.

For Petitioner : Mr.A.Srinivasan

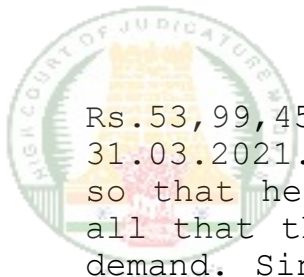
For Respondents : Mr.T.S.Mohamed Mohideen

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents Corporation.

2.The petitioner was granted license to cut and remove the grass grown in the Corporation lands in Avaniyapuram area of Madurai Town. The petitioner was earlier called upon to pay certain charges including GST. Those demands were put to challenge at the instance of the Writ petitioners in W.P(MD).Nos.5600 of 2020 and 21186 of 2019. In both writ petitions, the orders of interim stay have been granted.

3.While so, due to out break of Covid-19, the petitioner states that he could not cut the grass for a few months. In this background, the Corporation had issued the impugned communication dated 18.06.2020 calling upon the petitioner to pay a further sum of



Rs.53,99,452/-. The license of the petitioner is valid upto 31.03.2021. However, the petitioner has to pay the license charges so that he can enjoy the license period upto 31.03.2021. Therefore all that the petitioner wants is time to comply with the impugned demand. Since the petitioner had already obtained orders of interim stay in the other two writ petitions, leaving open the rights of the parties to abide the outcome of those writ petitions, the petitioner's present impugned demand is tentatively quantified at Rs.45/- lakhs.

4.The petitioner herein seeks time upto the year end to clear the said liability.

5. I take note of the fact that the petitioner was put to hardship on account of Covid-19 out break. The petitioner is permitted to pay a sum of Rs.22,50,000/- on or before 30.11.2020 and the remaining amount of Rs.22,50,000/- before the end of 31.12.2020. The petitioner through his counsel gives an undertaking that he will not ask for any extension of time for paying this payment. If the petitioner fails to adhere to the undertaking given before this Court, it is open to the Corporation to take appropriate action against the petitioner for terminating the license itself. Of course, the petitioner's request for extension of time beyond 31.03.2021, will be dealt with in independent proceedings that may be instituted by the petitioner. The petitioner is of course given liberty to move the respondents Corporation in this regard and based on the petitioner's conduct in liquidating the impugned demand of Rs.45/- lakhs, extension will be considered on merits thereafter.

6.This Writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Commissioner
Madurai Corporation
Madurai

2.The Assistant Commissioner (Revenue)
Madurai Corporation
Madurai

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-18920[F] dated 05/10/2020)

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-18929[F] dated 05/10/2020)

W.P. (MD)No.8805 of 2020

and

W.M.P (MD) .Nos.8070 and 8072 of 2020

01.10.2020

SS (CO)

AP (12/10/2020) 3P 5C