



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14097 of 2020

and

W.M.P.(MD)No.11756 of 2020

WEB COPY

A.Beulah Jeyaseeli

.. Petitioner

Vs.

1.The Commissioner,
Tirunelveli City Municipal Corporation,
S.N.High Road,
Tirunelveli.

2.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 29.06.2020 to exempt the petitioner from the payment of license amount during the closure period of Gandhi Market and extend the license period.

For Petitioner	:	Mr.N.Marimuthu
For Respondents	:	Mr.Aayiram K.Selvakumar
		Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to consider the petitioner's representation dated 29.06.2020 seeking for exemption from payment of license amount during the closure period of Gandhi Market and to extend the license period for a further period of seven months.

2.It is the contention of the petitioner that she has been granted license under a contract dated 15.06.2018 with the respondent Corporation for running a pay and use toilet facility at Gandhi Market, Palayamkottai Zone, Tirunelveli. According to the petitioner, the said license is for the period from 16.06.2018 to 31.03.2021. It is the case of the petitioner that because of the current pandemic situation, Gandhi Market was closed from 24.03.2020 till 01.10.2020. According to the petitioner, she was unable to derive any income during the period of closure. In such circumstances, she has given a representation on 29.06.2020 seeking for waiver of the license amount during the period of closure or in the alternative, grant extension of license period for a further period of seven months. It is her contention that till date, the



said representation has not been considered by the respondents. In such circumstances, this Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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4. The relief sought for by the petitioner is an innocuous relief. No prejudice will be caused to the respondents if such a relief is granted by this Court. Admittedly, the petitioner was granted license to run a pay and use toilet facility at Gandhi Road, Palayamkottai Zone, Tirunelveli, under a contract dated 15.06.2018 with the respondents. It is also an admitted fact that Gandhi Market was closed due to the lock down between 24.03.2020 till 01.10.2020. The petitioner has given a representation seeking for waiver of the license amount during the period of closure or in the alternative, sought for extension of the contract by another period of seven months. The said representation will have to be considered by the respondents on merits and in accordance with law.

5. For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation dated 29.06.2020 seeking for exemption of payment of license amount during the period of closure between 24.03.2020 till 01.10.2020 or in the alternative, grant extension of contract by another period of seven months and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl.side)

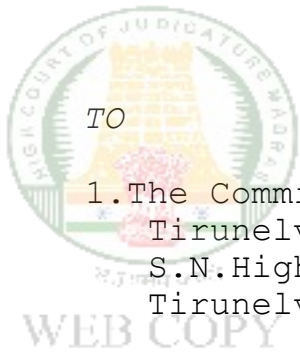
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Sub Assistant Registrar (CS)

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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,
Tirunelveli City Municipal Corporation,
S.N.High Road,
Tirunelveli.

2.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-21397[F]
dated 06/11/2020)

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and
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KMV(CO)
KB(19.11.2020) 3P 4C