



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14334 of 2020

Sakila

: Petitioner

Vs.

The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

: Respondent

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondent herein to permit the petitioner to continue her lease till 31.03.2021 with regard to collection of entry fee in the Goats Slaughtering House belonging to the respondent Corporation situated at Santhaipettai Road, Dindigul, as per proceedings of the respondent in Na.Ka.No.1018/2018/A7, dated 24.07.2018 by receiving the Licence amount from the petitioner based on her representation, dated 29.09.2020 within the time stipulated by this Court.

For Petitioner : Mr.B.Arun

For Respondent : Mr.J.Lawrance

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to direct the respondent to permit the petitioner to continue her lease till 31.03.2021 with regard to the collection of entry fee in the Goats Slaughtering House belonging to the respondent Corporation situated at Santhaipettai Road, Dindigul.

2.Heard Mr.B.Arun, learned Counsel appearing for the petitioner and Mr.J.Lawrance, learned Standing Counsel appearing for the respondent.

3.It is the case of the petitioner that she is having a valid licence for a period of three years from the respondent Corporation to collect entry fee in the Goats Slaughtering House belonging to the respondent Corporation situated at the aforementioned address. According to her, the lease will expire on 31.03.2021. It is also



her case that due to pandemic situation, the Slaughtering House was closed for some time and due to the said pandemic situation, she was unable to pay the rental charges to the respondent Municipal Corporation. According to the petitioner, the respondent Municipal Corporation is now attempting to terminate the lease of the petitioner. In such circumstances, the petitioner has filed this Writ Petition.

4.Mr.J.Lawrance, learned Standing Counsel appearing for the respondent Municipal Corporation would submit that the auction with regard to the collection of entry fee for the Goats Slaughtering House, situated at Santhaipettai Road, Dindigul, is scheduled for tomorrow (ie., 14.10.2020). However, he would submit that the petitioner will be granted extension as sought for in this Writ Petition, if the petitioner pays the entire arrears excluding the payment due for the lock down period of four months in two installments, ie., 50% by tomorrow (14.10.2020) and the remaining 50% within one month thereafter. According to him, a sum of approximately Rs.40,00,000/- is due from the petitioner as arrears of lease rent, excluding the period of lock down for a period of four months. The learned Counsel for the petitioner, on instructions, would submit that the petitioner is ready and willing to pay the actual arrears of lease rentals to the respondent in two installments, as suggested by the respondent.

5.Recording the submissions of the learned Standing Counsel appearing for the respondent Municipal Corporation and accepting the same and considering the fact that the petitioner should not suffer any termination on account of her predecessor-in-title and that too when the balance period of the lease is only upto 31.03.2020, this Court directs the petitioner to pay a sum of Rs.20,00,000/- to the respondent Municipal Corporation by tomorrow (ie., 14.10.2020) on or before 03.00 pm and the balance sum of Rs.20,00,000/- shall be paid by the petitioner to the respondent Municipal Corporation within a period of one month thereafter.

6.It is made clear that the outstanding amount payable by the petitioner, as represented by the learned Standing Counsel appearing for the respondent Municipal Corporation is only an approximate amount and it is for the respondent Municipal Corporation to determine the actual outstanding amount payable by the petitioner after deducting the amount paid by the petitioner pursuant to the order of this Court, after giving sufficient opportunity to the petitioner and pass final orders thereafter, with regard to the balance amount outstanding if any payable by the petitioner. On payment of a sum of Rs.20,00,000/- by the petitioner to the respondent Corporation by tomorrow (14.10.2020) before 03.00 pm., the lease granted to the petitioner by the respondent Municipal Corporation shall stand extended upto 31.03.2021. However, it is made clear that the petitioner, apart from complying with the conditions with regard to the balance payment imposed under this order, will have to pay the future lease rentals on the due dates.



7.It is contended by the learned Standing Counsel appearing for the respondent Municipal Corporation that only at the behest of the petitioner, who initially wanted to surrender the lease, the respondent Municipal Corporation were constrained to bring the lease for fresh auction with regard to collection of entry fee in the Goats Slaughtering House belonging to the respondent Municipal Corporation. It is made clear that if the petitioner fails to comply with the directions given by this Court, the Writ Petition shall stand automatically dismissed.

8.With the aforesaid directions, this Writ Petition is disposed of. However, there is no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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Sub Assistant Registrar(CS)

To

The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

+1 CC to M/s.J. LAWRENCE, Advocate (SR-20015[F] dated 14/10/2020)

Order made in
W.P.(MD)No.14334 of 2020
13.10.2020

cmr

SDS (14.10.2020) 3P-3C