



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

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THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P. (MD) No.16145 of 2020

and

W.M.P. (MD) Nos.13519 & 13520 of 2020

K.Sankar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary,
Municipal Administration & Water Supply Department,
St.George Fort, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
No.78, Urban Administrative Building,
Santhome High Road, Raja Annamalaipuram,
Chennai - 600028.

3.The Commissioner,
Padmanabhapuram Municipality,
Palace Road, Thuckalay,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned demand notice issued by the third respondent herein, dated 03.11.2020, No.Nil and quash the same as illegal and consequently direct the respondents to give some exemption by way of deduction of rent for the month of April 2020 to August 2020 and thereby to permit the petitioner to pay the arrears of rent within the time stipulated by this Court.

For Petitioner : Mr.C.Kishore

For R1 & R2 : Mr.C.Ramar,
Additional Government Pleader.

For R3 : Mr.P.Athimoolapandian,
Standing Counsel

ORDER

(This petition was heard through video conferencing)

This writ petition has been filed challenging the demand notice issued by the third respondent, dated 03.11.2020 calling upon the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner to pay a sum of Rs.2,16,636/- as arrears of rent.

2.It is the case of the petitioner that due to lock-down, he has not paid rent to the third respondent from April 2020 to August 2020. It is also his case that he has also given representation to the respondents, on 09.11.2020 seeking for waiver of portion of the arrears of the rent, due to complete lock-down. It is the case of the petitioner that he is having mobile shop in the name and style of "Sri Mobiles" in the premises let out by the third respondent and his income depends upon the functioning of the nearby bus-stand. According to the petitioner, due to lock-down, there were less number of customers coming to the shop and hence, he was unable to pay rent to the third respondent. In such circumstances, this writ petition has been filed challenging the impugned notice, dated 03.11.2020.

3.Mr.C.Ramar, learned Additional Government Pleader accepts notice on behalf of the first and second respondents and Mr.Athimoolapandian, learned Standing Counsel accepts notice on behalf of the third respondent.

4.Mr.Athimoolpandian, learned Standing Counsel appearing for the third respondent, on instructions, would submit that the petitioner has not paid rent even for the period prior to the lock-down.

5.The learned counsel appearing for the petitioner would submit that in the petitioner's representation, dated 09.11.2020, the petitioner had sought for only concession and he has not sought for total waiver of the rent payable for the period from April 2020 to August 2020. The impugned demand is Rs.2,16,636/- payable by the petitioner to the third respondent towards arrears of rent.

6.It is admitted by the learned counsel appearing for the petitioner that monthly rent payable by the petitioner to the third respondent is Rs.18,053/-. The five months rent i.e., from April 2020 to August 2020, works out to Rs.90,000/- approximately. The learned counsel for the petitioner admits the fact that in respect of the balance amount, the petitioner is liable to pay the third respondent. The balance amount after deducting Rs.90,000/- from the demand made, it works out Rs.1,25,000/- approximately, which the petitioner will have to necessarily pay.

7.Accordingly, an order of interim stay is granted in W.M.P. (MD) No.13520 of 2020 on condition that the petitioner shall pay a sum of Rs.1,25,000/- to the third respondent on or before **10.12.2020.**

8.Only on such payment being made, the third respondent shall consider the petitioner's representation, dated 09.11.2020 seeking for concession with regard to the payment of rent for the period



from April 2020 to August 2020 and pass final orders on merits and in accordance with law, after giving sufficient opportunity to the petitioner, within a period of four weeks thereafter.

9.It is made clear that if the petitioner fails to pay a sum of Rs.1,25,000/- to the third respondent on or before **10.12.2020**, the representation of the petitioner shall stand automatically rejected and the petitioner is liable to pay the entire amount as demanded in the impugned notice, dated 03.11.2020.

10.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, W.M.P.(MD)No.13520 of 2020 is ordered and W.M.P.(MD)No.13519 of 2020 is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

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 Secretary,

Municipal Administration & Water Supply Department,
St.George Fort, Chennai - 600 009.

2.The Commissioner of Municipal Administration,

No.78, Urban Administrative Building,
Santhome High Road, Raja Annamalaipuram,
Chennai - 600028.

3.The Commissioner,

Padmanabhapuram Municipality,
Palace Road, Thuckalay,
Kanyakumari District.

+1 CC to M/s.SGP (SR-22044[F] dated 18/11/2020)

+1 CC to M/s.KISHORE, Advocate (SR-22111[F] dated 19/11/2020)

W.P. (MD) No.16145 of 2020

11.11.2020

CK(CO)

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