

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21/1/2021
C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.1241 of 2021
a n d
M.P.No.1392 of 2021

S. Thangam Santhosh ... Petitioner
Vs

1. Government of Tamil Nadu
rep. By the Principal Secretary to Government
Municipal Administration and Water Supply Department
Secretariat
Chennai 600 009.
2. The Commissioner of Municipal Administration
75 Santhome High Road, 10th Floor
R.A.Puram
Chennai 600 028.
3. The Regional Director of Municipal Administration
Sathuvachari
Vellore 12.
4. The Municipal Commissioner
Villupuram Municipality
Villupuram 605 602. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari mandamus to call for the records of the fourth respondent relating to the order made in Na.Ka.No.9391/2017/A1 dated 18/12/2020, quash the same and to issue consequential directions to the respondents to pass orders on the claim of the petitioner for refunding the deposit of Rs.20 lakhs remitted on 31/3/2020 and cancel the lease of collecting entry fee for buses granted to him for 2020-2021 or to extend the lease period by one year, by accepting Rs.7,83,813/- in the light of his representation dated 10/12/2020 and till then desist from conducting auction for the above lease hold right afresh.

For petitioner ... Mr.P. Murali

For respondents ... Mr.G.Rajesh
Government Advocate

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O R D E R

This writ petition has been filed to quash the order, dated 18/12/2020, passed by the fourth respondent, in Na.Ka.No.9391/2017/A1, and to issue consequential direction to the respondents to consider the representation of the petitioner, dated 10/12/2020.

2. The brief facts which are leading to the disposal of the case are as follows:-

The petitioner has taken out a lease of collecting the entry fee from the buses which are entering into Villupuram New Bus Stand from 1/4/2018 to 31/3/2021. The lease amount per year was fixed at Rs.27,83,813/-. The petitioner had paid Rs.20 lakhs towards the tender amount, on 31/3/2020. Due to COVID 19, lock down, the bus stand was not in operation from March 2020 to August 2020. Hence, the petitioner had submitted a representation, dated 10/12/2020, to the respondents 2 to 4, to refund the deposited amount of Rs.20 lakhs, as the petitioner could not collect entry fee for the buses or in the alternative to extend the lease period for one more year. But, vide, impugned notice, dated 18/12/2020, the fourth respondent called upon the petitioner to remit the balance amount of Rs.7,83,813/-. Being aggrieved, the petitioner has come forward with the present writ petition, praying for the relief as stated therein.

3. Mr.G.Rajesh, learned Government Advocate takes notice for the respondents.

4. In view of the lock down announced by the Government, the petitioner was not able to collect the entry fee from the buses and hence sustained heavy loss. He bonafidely paid 75% of the lease amount of Rs.20 lakhs as early 31/3/2020. The main grievance of the petitioner is that either the fourth respondent shall refund the amount or extend the lease period for a further period of one year.

5. Since the relief sought for by the petitioner is limited for the extent of adjusting the amount for the non-operated period or extend the lease period for another one year, this Court is inclined to direct the fourth respondent to dispose of the representation of the petitioner, dated 10/12/2020.

6. Accordingly, the fourth respondent is directed to dispose of the representation of the petitioner, dated 10/12/2020, on merits and in accordance with law, within a period of four weeks.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Principal Secretary to Government , Government of Tamil Nadu Municipal Administration and Water Supply Department Secretariat, Chennai 600 009.
2. The Commissioner of Municipal Administration 75 Santhome High Road, 10th Floor, R.A.Puram, Chennai 600 028.
3. The Regional Director of Municipal Administration Sathuvachari, Vellore 12.
4. The Municipal Commissioner , Villupuram Municipality Villupuram 605 602.

+1cc to Mr.P.Murali , Advocate SR.No. 3340
Writ Petition No.1241 of 2021
A.SK(17.02.2021).

सत्यमेव जयते
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