

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24/2/2021

C O R A M

THE HONOURABLE Mr.JUSTICE B.PUGALENDHI

Writ Petition No.4398 of 2021

A. Kumar

...Petitioner

Vs

1. The District Collector
Salem District
Salem.
2. The Assistant Director of Town Panchayat
Salem District
Salem.
3. The Executive Officer
Veeraganur Town Panchayat
Veeraganur Post, Gangavalli Taluk
Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the impugned notice in Na.Ka.No.9/2021 dated 3/2/2021 issued by the third respondent which is received on 18/2/2021 and quash the same and consequently, direct the third respondent to extend the lease right to the petitioner for one year i.e., 2021 - 2022 to compensate the loss of lease right of year 2020 - 2021 by considering the abnormal Covid 19 pandemic situation.

For petitioner ... Mr.M.Rajendiran

For respondents ... Mr.M.Elumalai
Additional Government Pleader
for R.R.1 and 2.

Mr.Annai Ezhil
Government Advocate
for R.3.

O R D E R

This Writ Petition has been filed to quash the impugned notice, passed by the third respondent, in Na.Ka.No.9/2021, dated 3/2/2021, which was received, on 18/2/2021, and consequently, direct the third respondent to extend the lease right to the petitioner for 2021 - 2022, to compensate the loss of lease right of the year 2020 - 2021, by considering the abnormal Covid 19 pandemic situation.

2. The third respondent, vide, impugned notice, dated 3/2/2021, called for tenders, for collection of toll charges, for the weekly market, situated at Veeraganur village, Gangavalli Taluk, Salem District.

3. The case of the petitioner is that he was the successful bidder for the previous year and during pandemic period, he was not permitted to collect any toll charges. However, the petitioner has paid the lease amount in total and he has also sought for extension of lease period and to compensate the loss for the non-operated period. The petitioner has submitted a representation dated 3/2/2021, to the respondents. But without considering the petitioner's representation, the respondents have proceeded with the auction. Hence the petitioner has filed the instant writ petition, praying for the relief stated supra.

4. Mr. Annai Ezhil, learned Government Advocate has produced the written instruction and would submit that the auction for the weekly market was conducted on 23/2/2021 and one Muthusamy has taken the auction for a sum of Rs.8 lakhs.

5. In view of the submission made by the learned Government Advocate, there cannot be any further directions on the impugned notice. However, the respondents shall consider the case of the petitioner for refund of lease amount which he has already paid for the pandemic period where he was not permitted to perform the lease on account of the lock down announced by the Government by considering the representation of the petitioner.

6. Accordingly, writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector
Salem District
Salem.
2. The Assistant Director of Town Panchayat
Salem District
Salem.
3. The Executive Officer
Veeraganur Town Panchayat
Veeraganur Post, Gangavalli Taluk
Salem District.

+1cc to M/s.M.Rajendiran, Advocate, S.R.No.11949

+1cc to the Government Pleader, S.R.No.11564

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PL(CO)
KKV/17/03/2021



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