

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.7114 of 2020
and W.M.P.Nos.25442 & 24554 of 2020

M.Sakthivel

...Petitioner

Vs.

1.The President
Thalaivasal Panchayat
Thalaivasal Panchayat Union
Salem District

2.The Block Development Officer
Thalaivasal Panchayat Union
Attur Taluk
Salem District

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to permit the petitioner to remit 50% of lease amount as mentioned in the respondent's renewal cum extension order which is issued to the petitioner on 13.03.2020 towards Thalaivasal Daily Vegetable Market situated at Thalaivasal Post, Attur Taluk, Salem District for the year 2020-2021 in two instalments based on the petitioner's representation dated 16.03.2020 in order to continue the lease rights for th year 2020-2021.

For Petitioner : Mr.M.Rajendran

For Respondents : Mrs.R.J.Radhika
Government Advocate

ORDER

(The case has been heard through video conference)

This petition has been filed by the petitioner, seeking for a direction, to direct the respondents to permit the petitioner to remit 50% of lease amount as mentioned in the respondent's renewal cum extension order which is issued to the petitioner on 13.03.2020 towards Thalaivasal Daily Vegetable Market situated at Thalaivasal Post, Attur Taluk, Salem District for the year

2020-2021 in two instalments based on the petitioner's representation dated 16.03.2020 in order to continue the lease rights for th year 2020-2021.

2.The petitioner was taken out a lease for collecting Thalaivasal Daily Vegetable Market at Salem District and the petitioner had also paid a sum of Rs.35 Lakhs by way of demand draft to the respondents for conducting a lease. Therefore, this court vide order dated 01.10.2020 directed the petitioner to pay a sum of Rs.28,25,000/- to the respondents within a period of three months from 01.10.2020 and in the meantime, this court permitted the petitioner to continue to exercise his right in collecting the lease amount in the daily vegetable market. As the petitioner could not pay the balance amount as directed by this Court within the time stipulated by this Court, the respondent Panchayat has forfeited the petitioner to collect the toll charges and therefore, this petitioner has filed a time extension petition in W.M.P.No.24552 of 2020 to remit the balance amount.

3.The learned counsel for the petitioner produced a demand draft for a sum of Rs.15 Lakhs and submitted that he has filed a petition in W.M.P.No.24552 of 2020, seeking for an extension of time for the payment of remaining amount of Rs.13,25,000/-.

4.This Court is of the opinion that since the petitioner had already paid an amount of Rs.35 Lakhs, this court had also extended a further time of three months to remit the balance amount of Rs.28,25,000/-, considering that the petitioner is now brought a demand draft of Rs.15 Lakhs and Mrs.Radhika, the learned counsel for the respondents, is prepared to accept the demand draft drawn in their favour for a sum of Rs.15 Lakhs, and permit the petitioner to continue to collect the toll charges, provided that he pays the remaining sum of Rs.13,25,000/- on or before 31.01.2021.

5.Since the respondents have no serious objections for receiving the demand draft for a sum of Rs.15 Lakhs, this court is inclined to allow this W.M.P.No.24552 of 2020, by extending a further period of time upto 31.01.2021. The petitioner shall handover the demand draft drawn in favour of the respondents for a sum of Rs.15 Lakhs immediately i.e. on or before 08.01.2021 and the balance amount of Rs.13,25,000/- has to be paid by the petitioner on or before 31.01.2021. If the petitioner fails to abide by the condition imposed by this court within a stipulated time, it is open to the respondents to take further action to forfeit the lease granted to him.

6.With the above direction, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petition W.M.P.No.24552 of 2020 is allowed and other miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

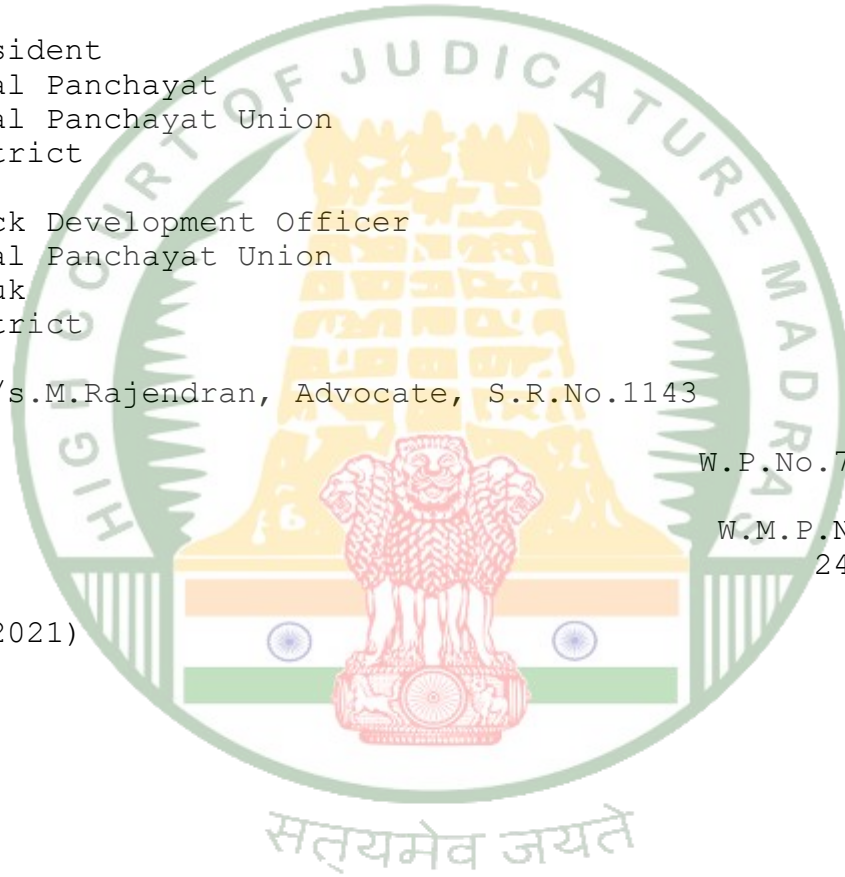
1.The President
Thalaivasal Panchayat
Thalaivasal Panchayat Union
Salem District

2.The Block Development Officer
Thalaivasal Panchayat Union
Attur Taluk
Salem District

+1cc to M/s.M.Rajendran, Advocate, S.R.No.1143

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24554 of 2020

vsn ii(CO)
rv(04/02/2021)



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