

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 8672 of 2021

and

W.M.P. No. 9211 of 2021

Thiruvannamalai Central Bus Stand
Municipal Shops
All Traders Welfare Association
Represented by its Secretary A.Mohammed Nabi
No.11, Front Side Upstairs, Bus Stand
Thiruvannamalai - 606 601.

...Petitioner

Vs.

1. The Secretary to Government
Municipal Administration and
Water Supply Department
Fort St. George
Chennai - 600 009.

2. The District Collector
Thiruvannamalai District
Thiruvannmalai.

3. The Municipal Commissioner
Thiruvannamalai Municipality
Thiruvannamalai
Vellore District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to waive the rent for the shops of the members of the Petitioner Association situated at Central Bus Stand,

Thiruvannamalai during lock-down period i.e. 24.03.2020 to 07.09.2020 and to reduce, revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 08.09.2020 onwards for Municipal shops situated at Central Bus Stand, Thiruvannamalai, by considering the representation dated 01.12.2020 given by the Petitioner Association.

For Petitioner : Mr. D.Kamatchi
For Respondents : Mr. J.Ramesh (For R1 & R2)
Additional Government Pleader
Mr. L.P.Mauriya (For R3)

O R D E R

By consent of both Parties, this Writ Petition is taken up for final disposal, at the admission stage itself.

2. According to the Petitioner Association, the Government announced lock down across the State during March, 2020 till September, 2020, due to Covid-19 pandemic situation and all the shops situated in and around the Central Bus Stand, Thiruvannamalai leased out to the members of the Petitioner Association were remained closed and no business was carried on during that period. Hence, they made representation dated 01.12.2020 to the Second and Third Respondents to waive the rent for the shops in question during the lock down period and to reduce, revise and re-fix the license fee in a manner proportionate with the opening time permitted for the period from 08.09.2020 onwards. Since the said representation has not been considered till date, the Petitioner Association has come up with this Writ Petition.

3. Heard Mrs.D.Kamatchi, Learned Counsel for the Petitioner, who submitted that the lessees were not able to derive any income during that lock down period from the leased out properties and their livelihood were severely affected. Hence, the Learned Counsel prayed appropriate orders in this Writ petition.

4. On the other hand, Mr. J. Ramesh, Learned Additional Government Pleader, who takes notice for the First and Second Respondents and Mr. L. P. Mauriya, Learned Counsel, who takes notice for the Third Respondent submitted that considering the plight of the lessees during the lock down period, the Government passed G.O.(D). No. 298, Municipal Administration and Water Supply (MA-IV) Department, dated 02.09.2020 and clause 7 of the said Government Order reads as follows:-

"The Government after careful examination of the proposal of the Commissioner of Municipal Administration at para 6 above and hereby orders to waive the payment of lease / rental amount for the period from 01.04.2020 to 31.05.2020 by the lessees in respect of the leased out properties of Urban Local Bodies covering Greater Chennai Corporation, 14 other Corporations, 121 Municipalities and 528 Town Panchayats restricted to the shops which were actually closed during this period and also subject to the condition that the State Government shall not bear any compensation in this regard. Commissioner of concerned Urban Local Bodies are requested to allow the waiver after due verification."

Therefore, the Respondents would consider the representation of the Petitioner Association and pass orders in the light of the said Government Order, within a reasonable time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the petitioner's representation dated 01.12.2020 and pass appropriate orders, on merits and in accordance with law and also in the light of aforesaid G.O.(D). No. 298, Municipal Administration and Water Supply (MA-IV) Department, dated 02.09.2020, within a period of six (6) weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

Maya

To

1. The Secretary to Government
Municipal Administration and
Water Supply Department
Fort St. George, Chennai - 600 009.
2. The District Collector
Thiruvannamalai District
Thiruvannmalai.
3. The Municipal Commissioner
Thiruvannamalai Municipality
Thiruvannamalai
Vellore District.

+1cc to Mr.L.P.Maurya, Advocate, Sr.No.22172

+1cc to Ms.D.Kamachi, Advocate, Sr.No.22438

+1cc to Government Pleader, Sr.No.22490

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GPL(CO)

KKV/28/05/2021

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