



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.8687 of 2021

and

WMP Nos.9227 & 9228 of 2021

Manikanda Prabhu

...Petitioner

.Vs.

The Executive Officer
Kottur Town Panchyat,
Kottur Anamalai Taluk
Coimbatore District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, Calling for the records of order in Na.Ka.No.66/2021/A1 dated 24/02/2021 passed by the respondent herein and quash the same and consequently direct the respondent to extend the licence period for another 8 months to compensate the total lock down period.

For Petitioner : Mr.N.Ponraj

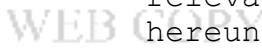
For Respondent : Mr.R.S.Selvam

ORDER

This writ petition has been filed challenging the proceedings of the respondent dt.24.02.2021 and for a consequential direction to the respondent to extend the licence period commensurate with the lockdown period that was imposed by the State Government.

2.The case of the petitioner is that he participated in the tender called for by the respondent and he was granted licence for collecting the fees from the weekly market belonging to the respondent Town Panchayat. The petitioner also paid the entire licence amount to the tune of Rs.5,03,000/-.

3.The petitioner hardly commenced the license period and immediately there was a lock down announced by the State Government from the end of March 2020. As a result of the same, the petitioner was not able to collect any licence fees. The petitioner therefore made a representation to the respondent



4. The respondent has filed a counter affidavit and the relevant portions in the counter affidavit are extracted hereunder:

8. It is respectfully submitted that however the Government has taken the policy decision in G.O. (D) No.298 of Municipal Administration and Water Supply Department dated 02.09.2020, wherein the Government after examining the proposal of the Commissioner of Municipal Administration ordered to waive payment of lease/rental amount for the period from 01.04.2020 to 31.05.2020 by the lessee in respect of leased out properties of urban local bodies covering Municipalities and Corporations only based on humanitarian ground and the same cannot be extended as such as its merely a policy decision made to benefit the public for the particular period of time. It is the policy position of the Government. The policy of the Government on waiver/rental amount is clear, reasonable, equitable and free from any biases and can only be interfered if the policy of the Government on waiver of lease/rental amount was arbitrary, unreasonable and biased".

6. The licence period of the petitioner commenced from 01.04.2020 and it ended on 31.03.2021. It is true that the petitioner was not able to effectively collect the fee from the weekly market due to the lockdown. However, the extension of the licence period cannot be claimed as a legal right and it is always left to the Town Panchayat to take its own decision regarding the extension of licence period. No positive direction can be given in this regard and the various writ



petitions that were filed before this Court with similar relief were also dismissed.

7. In view of the above, the relief as sought for by the petitioner cannot be granted by this Court and there is no ground to interfere with the impugned proceedings of the respondent dt.24.02.2021. If the petitioner has incurred any loss due to the lockdown and not being able to collect the fees from the weekly market, it is left open to the petitioner to independently workout his remedy in the manner known to law. Except giving this liberty, no further orders can be passed in this writ petition.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

KP

To

The Executive Officer
Kottur Town Panchyat,
Kottur Anamalai Taluk
Coimbatore District.

+1cc to Mr.R.S.Selvam, Advocate, S.R.No.41667

W.P.No.8687 of 2021

RSV[co]
NSK 13/09/2021