



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.10697 OF 2021

Rasipuram New Bus Stand Traders
Welfare Association,
rep. by its President D.Dakshinamoorthy,
New Bus Stand, Rasipuram, Namakkal District. ... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
2. The District Collector, Namakkal District,
Namakkal.
3. The Municipal Commissioner, Rasipuram Municipality.
Rasipuram, Namakkal District. ... Respondent

PRAYER:

Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Mandamus or any other writ, or order or direction in the nature of writ, directing the respondents to dispose of the representations dated 30.03.2021 and 12.04.2021 given by the petitioner Association, in consonance with the G.O.(D)No.298 MA and WS(MA.IV) Department dated 02.09.2020 issued by the first respondent within the time that may be fixed by this court.

For petitioner : Ms.D.Kamachi

For respondent : Mr.P.Chinnadurai,
Addl. Gov. Pleader

ORDER

This petition has been filed for direction to the respondents to dispose the representations dated 30.03.2021 and 12.04.2021 given by the petitioner Association, in consonance



with the G.O.(D) No.298 MA an WS(MA.IV) Department dated 02.09.2020 issued by the first respondent within the time that may be fixed by this court.

2. The brief facts of the writ petition is as follows:

The petitioner Association was formed in the year 2009 and registered under the Societies Registration Act. The members of the association are carrying on small business like fruit shops, shoe mart, barbour shop, cooling drinking shop, mobile shops, tea stall, tiffin stall, flower shop etc. in the New Bus Stand, Rasipuram. Due to covid-19 pandemic situation, the state of Tamil Nadu passed a G.O.(MS)No.152 dated 23.03.2020, Health and Family Welfare (MCA-1) Department and announced lock down across the state, as a result of the same, the members of the petitioner association closed their shops. Further the lockdown period of extended from time to time and the members of the association were not allowed to run the shop from 24.03.2020 till 07.09.2020. Inview of the above lockdown, the small vendors faced untold sufferings to maintain business and families. Hence various traders associations have given representation before the Government to waive the rent during the lock down period. However, vide G.O. dated 02.09.2020, the Tamil nadu Government had waived the payment of rent only for a period of two months i.e. from 01.04.2020 to 31.05.2020.

2.1. Therefore, the petitioner association had given a representation dated 30.03.2021 to the second and third respondents and a representation dated 12.04.2020 to the first respondent to waive the rent during the full lockdown period from 24.03.2020 to 07.09.2020. But, there is no response from the respondents 1 to 3, on the other hand, they forced the members of the petitioner association to pay the rent for the lockdown period also.

2.2. It is brought to the notice of this court that the Chennai Metropolitan Development Authority had waived the payment of rent for complete lockdown period from 25.03.2020 to 06.09.2020 for all the small vendors in the Chennai Mofussil Bus Terminus, Koyambedu and issued letter dated 12.11.2020 to that effect. Therefore, the members of the petitioner association sought that the same benefit may be given to them.

3. Mr.P.Chinnadurai, Additional Government Pleader takes notice for the respondents and submitted that the writ petition filed by the association is not maintainable and if the members of the petitioner association is aggrieved over the government order, concerned individual person has to file the writ petition. He further submitted that this writ petition has been filed for direction to the respondents to consider and dispose the representation given by the petitioner association to waive



the rent for the full lock down period, on par with the orders passed by the Chennai Metropolitan Development Authority dated 12.11.2020. According to the Government Pleader, if the individual persons made any representation before the first respondent, the same will be considered on its own merits and appropriate orders will be passed by the first respondent.

4. I have considered the submissions made by the learned counsel for the parties.

5. As rightly submitted by the learned Government Pleader, the writ petition filed by the petitioner association is not maintainable. However, the relief sought for the in the writ petition is a genuine, as is at request of the members of the petitioner association. Further, it is also brought to the notice of this court that the Chennai Metropolitan Development Authority had considered the similar requests made by the vendors of the Chennai Mofussil Bus Terminus, Koyambedu, Chennai and accepted their request and granted relief to them. In such circumstances, the petitioner association has also given representation to the respondents for waiving the rent amount during the complete lockdown period. However, no representation has been given by the individual.

6. At this juncture, the learned counsel appearing for the petitioner has given undertaking that the members of the petitioner association will file representation to the respondents 1 to 3.

7. In view of the statement made by the learned counsel for the petitioner, this Court is inclined to pass the following orders.

i) The members of the petitioner association shall make their representation individually to the respondents 1 to 3, within a period of two weeks from the date of receipt of a copy of this order.

ii) On such representation being made by the members of the petitioner association individually, the same shall be received by the respondents 1 to 3 and shall be considered, as early as possible, within a period of eight weeks from the date of receipt of the representation, taking note of the orders passed by the Chennai Metropolitan Development Authority and pass orders.

iii) If any payment is made by the members of the petitioner association, the same shall be subject to the outcome of the orders passed by the respondents 1 to 3.



WEB COPY

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Additional Chief Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai 600 009.
2. The District Collector, Namakkal District,
Namakkal.
3. The Municipal Commissioner, Rasipuram Municipality.
Rasipuram, Namakkal District.

+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.26305
+2ccs to Ms.D.Kamachi, Advocate, S.R.No.25906
+1cc to the Government Pleader, S.R.No.26359

W.P.No.10697 of 2021

RSV(CO)
CS/14/07/2021