

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No. 14505 of 2021 &
W.M.P. No. 15399 of 2021

S.Sankar

....

Petitioner

-Vs-

1. The State

Rep.by the Secretary to Government,
Municipal Administration and water Supply (MA.IV) Department,
Fort St George,
Secretariat,
Chennai- 600 009.

2. The Director of Town Panchayat,
Chennai- 600 028.

3. The Assistant Director of Town Panchayat,
Salem Zone,
Salem.

4. The Executive Officer,
Pillanallur Town Panchayat,
Pillanallur,
Namakkal District.

.... Respondents

Prayer :- Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents not to collect the lease amount for the financial year 2021-22 from the petitioner for the period of lockdown from 24.5.2021 till the same is relaxed in respect his lease for collection of Toll in the weekly shandy in Pillanallur Town Panchayat.

For Petitioner : Mr. N.Anbazhgan

For Respondents : Mr. A.Selvendran, Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents not to collect the lease amount from the petitioner for the lock down period by considering the representation made by the petitioner on 24.06.2021.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of respondents.

3. It is seen from records that the petitioner had participated in the auction conducted by the 4th respondent Town Panchayat,

wherein license was granted in favour of the petitioner for collection of toll from the vehicles, which comes for the weekly Sunday. According to the petitioner, due to the pandemic situation, the petitioner was not able to collect any toll and therefore, the petitioner has sought for waiver of the license fees. Since the representation made by the petitioner was not considered, the present writ petition has been filed before this Court.

3. The 4th respondent has filed a detailed counter affidavit explaining the entire facts and also setting out the terms and conditions for the extension of the license period every year.

4. Taking into consideration the facts and circumstances of the case and without going into the merits of the case, there shall be a direction to the 4th respondent to consider the representation made by the petitioner on 24.06.2021 and deal with the same on its own merits and in accordance with law and convey the decision to the petitioner

within a period of two weeks from the date of receipt of the copy of this order. It is made clear that if the petitioner is directed to pay any amount towards enhancement of the license fees for the extension of license period, the same will be subject to the final orders passed in the pending writ appeal in WA(MD) No. 428/2021.

5. This writ petition is disposed of with the above directions. No costs. Consequently the connected miscellaneous petition is closed.

08.09.2021

sha/rka



WEB COPY

N.ANAND VENKATESH, J.

sha/rka

To

1. The State
Rep.by the Secretary to Government,
Municipal Administration and water Supply (MA.IV) Department,
Fort St George,
Secretariat,
Chennai- 600 009.
2. The Director of Town Panchayat,
Chennai- 600 028.
3. The Assistant Director of Town Panchayat,
Salem Zone,
Salem.
4. The Executive Officer,
Pillanallur Town Panchayat,
Pillanallur,
Namakkal District.

WP No. 14505 of 2021 &
W.M.P. No. 15399 of 2021

WEB COPY

08.09.2021