



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15154 of 2021

and

WMP No.16050, 16053 of 2021

G. Sudhakar

.... Petitioner

Vs.

1. Government of Tamil Nadu,
rep. by Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 600 009.

2. The Commissioner, Salem Corporation,
Salem District.

3. The Assistant Commissioner,
Sooramangalam Ward Office,
Municipal Corporation, Solampallam,
Salem District 636 005.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India to issue a writ of Certiorarified Mandamus after calling for the records from the third respondent with regard to the impugned order passed in Na.Ka.No.K1/1635/2020 dated 09.07.2021 (received on 16.07.2021) and quash the same and consequently direct the second respondent to permit the petitioner to continue the existing works of collection of fee for lease of V.Ramalingam Daily Market, (Pal market) Shevapet, Salem District.

For petitioner : Mr.A.M.Esakkiappan

For respondents : Mr.Gokulkrishnan Govt.Adv.
for R1.
Mr.S.Sathish for R2 & R3.

ORDER

This writ petition has been filed to quash the impugned order passed by the third respondent dated 09.07.202 and



consequently direct the second respondent to permit the petitioner to continue the existing works of collection of fee for lease of V.Ramalingam Daily Market, (Pal market) Shevapet, Salem District.

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2. The petitioner is the license holder for collection of daily fees to the V Ramalingam Daily market (pal market), Shevapet, Salem District from the shop holder. The second respondent had fixed the price for collecting fee based upon the spaces used by the people of the association. But, they have not paid the amount as fixed by the second respondent in the light of resolution No.260 and created problem. However, the third respondent issued notices to the petitioner to pay the lease payments. Insofar, the petitioner has paid a sum of Rs.5,00,000/- on 17.12.2020 and Rs.5,00,000/- on 25.01.2021 and Rs.10,00,000/- on 11.05.2021 and Rs.22,00,000/- on 31.07.2020, totalling to a sum of Rs.42,00,000/-. He made a representation dated 10.07.2021 to the Corporation seeking time to make payment and also for waiver of 128 days in paying the lease amount, payable to the Corporation. Despite full lock down announced by the Government, the third respondent vide notice dated 09.07.2021 (served on 16.07.2021) has asked the petitioner to pay a sum of Rs.41,23,413/- as lease payment, without considering his representation. Hence, Hence this writ petition.

3. Mr.M.R.Gokulkrishnan, learned Standing Counsel for the Government takes notice for the first respondent.

4. Mr.S.Sathish, learned counsel takes notice for the second and third respondents.

5. By consent of the counsels to both the parties, this court takes this matter for final disposal.

6. According to the petitioner, the Corporation did not consider his request for waiver of 128 days in paying the lease amount, payable to the Corporation and also did not give time for payment of lease amount.

7. Considering the facts and the circumstances of the case and also the reasons stated in the affidavit, without expressing any opinion on merits, this court directs the second respondent to consider the request of the petitioner for waiver of 128 days in paying the lease amount and take appropriate decision, within a period of three weeks from the date of receipt of a copy of this order. Thereafter, based upon the decision taken by the second respondent, the third respondent has to take further action.



8. With the above observation, this writ petition is disposed of. No costs. Consequently, connected writ miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Secretary to Government.
Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 600 009.
2. The Commissioner, Salem Corporation,
Salem District.
3. The Assistant Commissioner,
Sooramangalam Ward Office,
Municipal Corporation, Solampallam,
Salem District 636 005.

+2cc to M/s.A.Esakkiappan, Advocate, S.R.No.35198
+1cc to the Government Pleader, S.R.No.35544

W.P.No.15154 of 2021

SJ(CO)
SB(17/08/2021)