



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 23.08.2021

CORAM:

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THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P.No. 16924 of 2021
and
W.M.P No. 17928 of 2021

P. Karthikeyan

...Petitioner

Vs.

1.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
M.R.C Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Commissioner,
Thiruvallur Municipality,
Thiruvallur District.

3. The Revenue Inspector,
Thiruvallur Municipality,
Thiruvallur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus forbearing the respondents from demanding license fee from the petitioner herein for the period from 01.06.2020 to 30.09.2020 and to reduce, revise and re-fix the license fee for further relaxation period from 30.09.2020 onwards for the petitioner's Shop No.12 in Thiru.vi.ka Bus Stand Thiruvallur, of the 2nd respondent Municipality forthwith in view of Pandemic COVID-19 lockdown restriction imposed by Government.

For Petitioner : Mr. R. Sasikumar

For Respondents: Mr.A. Selvendran for R1

Mr. P. Srinivas

Standing Counsel for R2 and R3

O R D E R

This Writ Petition has been filed for issue of a Writ of Mandamus forbearing the respondents from demanding the license fee from the petitioner for the period from 01.06.2020 to 30.09.2020 and to further direct the respondents to revise and re-fix the license fee from 30.09.2020 onwards.



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2. The Petitioner has been given the lease for running the shop by the respondent Municipality. The petitioner was the highest bidder in the tender conducted by the second respondent and the lease was granted for the period from 01.09.2017 to 30.09.2020.

3. The grievance of the petitioner is that right from March 2020 onwards, due to the lock down, the shop was closed and the petitioner was not able to do any business. According to the petitioner, the respondent Municipality ought to have taken into consideration the entire lock down period and waived the lease amount and instead the lease amount was waived only for two months, ie., for April and May 2020. The respondents had insisted for the payment of the entire lease amount after deducting the two months waiver. Aggrieved by the same, the present Writ Petition has been filed.

5. Heard Mr.R.Sasikumar the learned counsel for the petitioner, Mr.A.Selvendran, learned Government counsel for the first respondent and Mr.P.Srinivas, learned standing counsel for the respondents 2 and 3.

6. Taking into consideration the facts and circumstances of the case and without going into merits of the case, there shall be direction to the petitioner to make a representation to the second respondent seeking for the waiver of the lease amount and for re-fixation of the same and it is left open for the second respondent to consider the representation on its own the merits and in accordance with law and convey the decision to the petitioner within a period of four weeks from the date of receipt the representation from the Petitioner.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RAP/RR

To

1. The Commissioner of Municipal Administration,
No.75, Santhome High Road,
M.R.C Nagar,
Raja Annamalaipuram,
Chennai - 600 028.

2. The Commissioner,
Thiruvallur Municipality,
Thiruvallur District.



3. The Revenue Inspector,
Thiruvallur Municipality,
Thiruvallur District.

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+1cc to Mr.R.Sasi kumar, Advocate SR.No. 41912

W.P.No. 16924 of 2021

and

W.M.P No. 17928 of 2021

PL (CO)

A.SK (20.09.2021)