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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition Nos.20241 & 20244 of 2021
and
W.M.P.Nos.21497 and 21502 of 2021

J.Sekar

...Petitioner in both W.Ps.

-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 in both WPs

Prayer in W.P.No.20241/2021 : Writ Petition under Article 226 of the Constitution of India praying for the 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 petitioners Shop No. 14 in Thiru. Vi. Ka. Bus Stand Thiruvallur of the 2nd respondent Municipality forthwith in view of Pandemic COVID-19 lockdown restriction imposed by Government.

Prayer in W.P.No.20244/2021 : Writ Petition under Article 226 of the Constitution of India praying for the 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 petitioners Shop No. 13 in Thiru. Vi. Ka. Bus Stand Thiruvallur of the 2nd respondent Municipality forthwith in view of Pandemic COVID-19 lockdown restriction imposed by Government.



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For Petitioners : Mr.R.Sasikumar
For Respondent : Mr.U.Baranidharan,
Government Advocate

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus forbearing the respondents from demanding license fee from the petitioner for the period from 01.06.2020 to 30.09.2020 and to reduce / revise / refix the license fees by considering the lockdown imposed by the Government.

2. Heard Mr.R.Sasikumar, learned counsel for the petitioner and Mr.U.Baranidharan, learned Government Advocate for the respondents.

3. In the considered view of this Court, the issue that has been raised by the petitioner is now pending adjudication before the Division Bench wherein the order passed by the learned Single Judge has been stayed. In view of the same, the relief sought for by the petitioner cannot be granted by this Court and no useful purpose will be served in directing the respondents to consider the representation made by the petitioner. Even otherwise, a demand has already been made by the second respondent on 15.07.2021 directing the petitioner to pay the license fees.

4. In view of the above, it is left open to the petitioner to pay the license fees as demanded by the second respondent. The petitioner can await for the final orders to be passed by the Division Bench. If ultimately the Division Bench upholds the order passed by the learned single Judge, the petitioner will be entitled for waiver of the license fees and at that point of time, it is left open to the petitioner to seek for refund of the license fees or for adjustment of the same towards future dues. To this extent, this Court will safeguard the interest of the petitioner.

5. These writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

KST



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.

+1cc to the Government Pleader, S.R.No.49455

+2cc to M/s.R.Sasikumar, Advocate, S.R.No.48710 and 48711

W.P.No.20241 & 20244 of 2021

PL(CO)
RGA(04/10/2021)