

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.25628 of 2021

and

W.M.P.No.27055 of 2021

S.Jaya

...Petitioner

-Vs-

1. The State of Tamil Nadu
represented by the Secretary to Government
Municipal Administration and Water Supply
(MA.IV) Department, Secretariat
Chennai - 600 009.
2. The Commissioner, Salem Municipal Corporation
Salem - 636 001.
3. The Assistant Commissioner
Suramangalam Ward Office,
Salem.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 2 and 3 to consider the representations dated 13.09.2021 and 28.09.2021 by the petitioner to the 2nd and 3rd respondents within the time frame as may be stipulated by this Hon'ble Court.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Mrs.V.Yamuna Devi,
Special Govt.Pleader - for R1

Mr.S.Sathish,
Standing Counsel - for RR 2&3

O R D E R

The prayer sought for herein is for Writ of Mandamus directing the respondents 2 and 3 to consider the representations dated 13.09.2021 and 28.09.2021 of the

petitioner by the 2nd and 3rd respondents within the time frame as may be stipulated by this Court.

2. Though in respect of the years 2020 and 2021, the petitioner claims to have paid the lease amount, most of the period in these two years, due to COVID-19 first wave as well as second wave, there were no activities, resultantly the petitioner could not collect any toll and she incurred huge loss. Therefore, in order to extend the lease for a further period of one year, with the reduction of lease amount, the petitioner has given representations dated 13.09.2021 and 28.09.2021 to the respondents, especially second and third respondents and those representations since have not been considered, the petitioner has approached this Court by filing the present writ petition.

3. Heard Mr.D.Shivakumaran, learned counsel appearing for the petitioner, who, after having reiterated the aforesaid facts, seeks the indulgence of this Court for suitable directions.

4. Heard Mrs.V.Yamuna Devi, learned Special Government Pleader appearing for the first respondent and Mr.S.Sathish, learned Standing Counsel appearing for the second and third respondents, who, on instructions would submit that, there has been an arrears of lease amount and therefore, in this regard whether the petitioner would be entitled for seeking any further extension of lease period, is a question to be decided. Therefore, in this context, the said representations of the petitioner would be considered and decided on merits within a time frame that may be stipulated by this Court.

5. Considering the limited scope of the prayer and having regard to the aforesaid facts and circumstances of the case, this Court is inclined to dispose of this writ petition with the following order.

That there shall be a direction to the second and third respondents to consider the representation of the petitioner dated 13.09.2021 and 28.09.2021 and to pass orders thereon on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KST

To

1. The Secretary to Government
Municipal Administration and Water Supply
(MA.IV) Department, Secretariat
Chennai - 600 009.
2. The Commissioner, Salem Municipal Corporation
Salem - 636 001.
3. The Assistant Commissioner
Suramangalam Ward Office, Salem.

+1cc to Mr.D.Shivakumaran, Advocate, S.R.No.63934
+1cc to the Government Pleader, S.R.No.63775

W.P.No.25628 of 2021

RSI[co]
NSK 03/01/2022