



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26174 of 2021
in WMP. No.27629 of 2021

P.Raja

...Petitioner

Vs.

1. The Superintending Engineer,
Public Works Department/WRO
Upper Kavery Basin Division,
Salem-7, Salem District.

2. The Executive Engineer,
Public Works Department,
Water Resources Organisation (WRO)
Stanley Reservoir (Mettur Dam) Sub Division,
Mettur Dam-1, Salem District.

3. The Assistant Executive Engineer,
Public Works Department,
Water Resources Organisation (WRO)
Stanley Reservoir (Mettur Dam) Sub Division,
Mettur Dam-1, Salem District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's application dated 26.11.2021 for granting extension of lease period for compensating the closure period of the petitioner's shop situated at inside park, Mettur dam, Salem District.

For Petitioner : Mr.R.Jothimanian

For Respondents : Mrs.C.Sangamithirai,
Special Government Pleader



O R D E R

The petitioner has filed this petition seeking directions to the respondents to consider the petitioner's application dated 26.11.2021.

2. The case of the petitioner is that he is running a petty shop at inside the part of Mettur Dam under the tender No.Ko.9/2019, for which, the petitioner paid a sum of Rs.17,52,000/- to the Government. Due to Covid-19 pandemic, the Government issued a prohibition order to close down all the shops. Therefore, the petitioner is facing huge financial loss in view of the said situation. Hence, the petitioner made a representation to the respondent dated 26.11.2021 for granting extension of lease period for compensating the closure period of the petitioner's shop situated at the above address. Since the same was not considered till date, the present writ petition has been filed before this Court seeking appropriate relief.

3. The learned counsel for the petitioner submitted that this Court may issue directions to the authorities to consider the representation made by the petitioner dated 26.11.2021 within the stipulated time as fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents submitted that the auction has been conducted and the shop was allotted to the petitioner on 25.09.2019. The lease period has been expired on 30.09.2020. Due to Covid-19 situation, the Government have directed to close all the shops. However, the Government has extended the lease period for nine months and 22 days to the petitioners shop based on the representation given by him. The extension of lease period has also been expired. Hence, the representation made by the petitioner will not be accepted and the same is unfair.

5. Heard both sides and perused the materials available on record.

6. The learned counsel for the petitioner has accepted that the Government has extended for 9 months 22 days after expiring the lease period. Due to Covid-19 pandemic situation and the Government imposed several restrictions even today, the petitioner is faced huge loss and requested to extend the lease period.



7. In view of the above discussion and without expressing any opinion on the merits of the case, this Court is inclined to direct the third respondent to consider the petitioner's application and pass appropriate orders on merit and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Superintending Engineer,
Public Works Department/WRO
Upper Kavery Basin Division,
Salem-7, Salem District.

2. The Executive Engineer,
Public Works Department,
Water Resources Organisation (WRO)
Stanley Reservoir (Mettur Dam) Sub Division,
Mettur Dam-1, Salem District.

3. The Assistant Executive Engineer,
Public Works Department,
Water Resources Organisation (WRO)
Stanley Reservoir (Mettur Dam) Sub Division,
Mettur Dam-1, Salem District.

+1 CC to Mr.M.R. Jothimanian, Advocate sr 65474
+1 CC to The Government Pleader sr 65794.

W.P.No.26174 of 2021
in WMP. No.27629 of 2021

CP(CO)
SP(27/12/2021)