



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.265 of 2021

and

W.M.P. (MD)Nos.207 & 208 of 2021

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P.Manian

... Petitioner

Vs

1.The Secretary to Government of Tamilnadu,
Department of Municipal Administration and Water Supply,
Fort St.George,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Municipal Commissioner,
Municipal Office,
Dindigul Palani Main Road,
Oddanchatram-624619,
Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent bearing No.Na.Ka.No.1015/2017/E1, dated 29.12.2020 and quash the same only in respect of term 4 in serial No.4 is concerned and consequently, direct the respondents to pass necessary order extending six months lease period of weekly market belongs to the third respondent in favour of the petitioner from 01 April to 30th September 2021 considering and compensating the Covid-19 lockdown closure period of market.

For Petitioner	: Mr.S.Siva Ilayaraja
For R1 & R2	: Mr.S.Angappan
	Government Advocate
For R3	: M/s.L.P.Mouria

ORDER

Heard the learned counsel on either side.

2.The petitioner took part in the auction conducted by the third respondent for granting license for collecting fee from the users of the petition mentioned weekly market. The license in favour of the petitioner was granted on 28.03.2018. It is a three year license. However, for the period from 19.03.2020 to 01.10.2020, the weekly market could not be conducted in view of the lock down restrictions imposed by the Government. The petitioner,



seeks corresponding extension of the license period. He, therefore, challenges the impugned notification, whereby, auction is proposed to be held for issuance of the license for the three year period commencing from 01.04.2021.

3.The fact remains that the petitioner was frustrated from enjoying the license on account of the measures announced by the Government. Therefore, the proportionate license fee will have to be refunded to the petitioner immediately and without delay.

4,The learned Standing Counsel states that the Government Order has been issued in this regard and that therefore, the petitioner may be permitted to give a representation which would be considered in the light of the orders already issued by the Government.

5.The learned counsel appearing for the petitioner would point out that he had already given a representation in this regard.

6.Even while declining to interfere with the impugned notice, I direct the third respondent to refund the proportionate license amount to the petitioner immediately and without any delay. The Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary to Government of Tamilnadu,
Department of Municipal Administration and Water Supply,
Fort St.George, Chennai.

2.The District Collector,
Dindigul District, Dindigul.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-608[F] dated 08/01/2021)



+1 CC to M/s.L.P.MAURYA, Advocate (SR-909[F] dated 18/01/2021)

+1 CC to M/s.GP (SR-806[F] dated 11/01/2021)

+1 CC to M/s.L.P.MAURYA, Advocate (SR-842[F] dated 11/01/2021)

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NA (CO)

KB (05.02.2021) 3P 7C