



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8302 of 2021

(Through video conferencing)

N.Chinna Gounder

... Petitioner

Vs.

The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent herein to waive the payment of lease amount for the lockdown period from 01.06.2020 to 31.09.2020 in respect of Weekly Cattle Shandy situated at Manapparai Municipality, Trichy District and refund the waiver amount to the petitioner within the time stipulated by this Court by considering the petitioner's representation dated 26.03.2021 and for other reliefs.

For Petitioner	: Mr.B.Arun
For Respondent	: Mr.J.Lawrence

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent to consider the representation made by the petitioner on 26.03.2021 wherein the petitioner has sought for the refund of the waiver amount paid by the petitioner for the lock down period between 01.06.2020 to 31.09.2020.

2. The case of the petitioner is that he was granted license to collect fees from the weekly shandy for a period of three years from 2018 to 2021. The further case of the petitioner is that when it came to the license period for the year 2020-2021, he paid a sum of Rs.60,00,000/- (Rupees Sixty lakhs only) on 05.03.2020 and Rs.24,00,000/- (Rupees Twenty four lakhs only) on 24.03.2020 and insofar as the remaining amount, he requested the respondent to adjust his deposit amount of Rs.15,00,000/- (Rupees Fifteen lakhs only) and it was also accepted by the respondent.



3. The grievance of the petitioner is that due to the lock down period, he was not able to collect the fees from the weekly shandy for the period from March 2020 to September 2020.

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4. The petitioner therefore made a representation for waiver of the payment of lease amount for the lock down period and for refund of the waiver amount to the petitioner. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.B.Arun, learned counsel appearing on behalf of the petitioner and Mr.J.Lawrence, learned counsel appearing on behalf of the respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for by the petitioner in this writ petition, there shall be a direction to the respondent to consider the representation made by the petitioner on 26.03.2021 and deal with the same on its own merits and in accordance with law and take a decision within a period of four weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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.



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To
The Commissioner,
Manapparai Municipality,
Manapparai,
Trichy District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-20499[F] dated 29/06/2021)

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PM
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