



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9615 of 2021

WEB COPY
Prem Balaji

... Petitioner
Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Assistant Director of Town Panchayat,
Tirunelveli Region,
Tirunelveli.

3.The Executive Officer,
Eral Selection Grade Town Panchayat,
Tuticorin District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent herein to waive the payment of Lease amount for the lockdown period from 16.03.2020 to 30.09.2020 in respect of lease of collection entry fee in weekly Shandy situated at the third respondent Town Panchayat and refund the waiver amount to the petitioner within the time stipulated by this Court by considering the petitioner's representation dated 28.04.2021 and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the third respondent herein to waive the payment of Lease amount for the lockdown period from 16.03.2020 to 30.09.2020 in respect of lease of collection entry fee in weekly Shandy situated at the third respondent Town Panchayat and refund the waiver amount to the petitioner, within the



time stipulated by this Court, by considering the petitioner's representation dated 28.04.2021 and for other reliefs.

4. The case of the petitioner is that he is a registered contractor of the third respondent Town Panchayat and he is doing business, collecting entry fee from the shops, stalls, weekly shandies and others, in Eral Town Panchayat, with a valid licence. He has been regularly paying licence fee to the respective local bodies. In respect of granting licence to collect entry fee at Eral Town Panchayat for the year 2019-2020, a notification was issued by the third respondent, pursuant to which, an auction was conducted on 25.02.2019, in which, he was declared as the highest bidder, which was confirmed by the third respondent vide proceedings dated 25.03.2019 in Na.Ka.No.17/2019 and he has paid a sum of Rs.19,01,100/- as licence fee for the period from 01.04.2019 to 31.03.2020 and also paid the deposit amount. Furthermore, the lease is renewable for further period of two years and the annual enhancement of the licence fee is 5% of the existing licence fee. Therefore, he was permitted to continue his business during 2020 - 2021 having paid a sum of Rs.20,55,932/-. During covid-19 pandemic lockdown period from 24.03.2020 to 30.09.2020, he was not in a position to collect entry fees, due to which he suffered loss in his business. Therefore, he made a representation to the third respondent to extend the lease period for further period of seven months on 21.01.2021, but the third respondent has not considered his representation and hence, he has sent another representation to the respondents 1 and 2 in this regard on 03.02.2021. In the said circumstances, the third respondent vide proceedings dated 26.03.2021, in Na.Ka.No.156/2020/A1, instructed him to renew the lease period for further period of one year 2021-2022 paying a sum of Rs.18,26,054/-. But, due to loss in the lockdown period, he has not chosen to pay the said amount and therefore, his licence came to an end on 31.03.2021. Finally, the petitioner have sent a fresh representation to the third respondent on 28.04.2021. Since no action was taken, the present Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice, if a direction is given to the respondents to dispose of the representation of the petitioner.

6. The learned Standing Counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner dated 28.04.2021, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

sm

To:-

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Assistant Director of Town Panchayat,
Tirunelveli Region,
Tirunelveli.
- 3.The Executive Officer,
Eral Selection Grade Town Panchayat,
Tuticorin District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-18853[F] dated 07/06/2021)

Order made in
W.P(MD)No.9615 of 2021

04.06.2021

GS (17.06.2021) 3P 5C