



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) .No.10176 of 2021

and

W.M.P. (MD) .No.7887 of 2021

M.E.S.Dhavakumar

...Petitioner

Vs.

1. The Commissioner,
O/o. The Commissioner of Corporation,
Anna Maligai, Madurai.

2. The Assistant Commissioner,
O/o. The Assistant Commissioner of Corporation,
Anna Maligai, Madurai. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to extend the lease for collection of fee from the vegetable vendors in the Weekly Shandy at Subramaniyapuram Market, Madurai, for a period of one year from 01.07.2020 to 30.06.2021 with an increase of five percentage increase on the previous lease amount paid by the petitioner to the respondent in the wake of pandemic Covid-19 having lost life and livelihood paid entire third year lease amount to the tune of Rs.4,63,051/-.

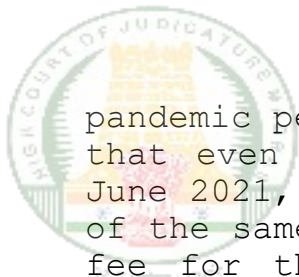
For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.R.Murali
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner, wherein, the petitioner has sought for extension of his license for collecting fee from the Market for one more year after receiving an increased license amount from the petitioner.

2. The case of the petitioner is that he participated in the public auction and being the successful bidder, was granted license to collect fee from the vegetable vendors in the Weekly Shandy at the Vegetable Market for the period from 2020-2021. The further case of the petitioner is that the respondents after considering the fact that the Markets were closed during the



pandemic period, extended the license upto 30.06.2021. It is stated that even though the petitioner got the benefit of extension upto June 2021, there was a subsequent lockdown announced and as a result of the same, the petitioner has not been able to collect any license fee for the month of May and June 2021. It is claimed by the learned counsel appearing for the petitioner that he has paid the entire license amount to the tune of Rs.4,63,051/- (Rupees Four Lakhs Sixty Three Thousand and Fifty One only).

3. The petitioner made a representation to the respondents on 12.06.2021 seeking for extension of the license period for a further term of one year upto the year 2022 on the ground that the petitioner was not able to collect any license fees due to the continuing lockdown. The petitioner also expressed his consent for paying the enhanced license amount from the existing amount that has been fixed by the respondents. Since the representation was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner and Mr.R.Murali, learned Standing counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for by the petitioner, there shall be a direction to the first respondent to consider the representation made by the petitioner on 12.06.2021 and take a decision on the request made by the petitioner within a period of two (02) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the first respondent along with a copy of this order. Till such decision is taken by the first respondent, if any public auction is proposed to be conducted, the same shall be kept in abeyance.

7. This Writ Petition stands disposed of with the above directions. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg

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.

+1 CC to M/s.R.MURALI, Advocate (SR-19637[F] dated 18/06/2021)

Order made in
W.P. (MD) .No.10176 of 2021

Dated:

17.06.2021

CN(21.06.2021) 3P 2C