



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1397 of 2021

and

C.M.P(MD) No.5798 of 2021

K.Manisekar

... Appellant/Petitioner

Vs.

1. The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai, Tallakulam,
Madurai - 2.

2. The Assistant Commissioner (Revenue),
Madurai City Municipal Corporation,
Arignar Anna Maligai, Tallakulam,
Madurai - 2.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order of this Court made in W.P.(MD) No.10687 of 2021, dated 01.07.2021.

Prayer in WP(MD). 10687/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ or any other order or direction more particularly in the nature of writ of Certiorarified Mandamus calling for the records of the 2nd respondent herein in his proceedings in Ma.Va.4/05263/2021, dated 18.05.2021 and quash the same and consequently direct the respondents herein either to refund or adjust a sum of Rs.37,91,019/- in future which was paid by the petitioner as license fee for the period from 01.04.2020 to 30.06.2021 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

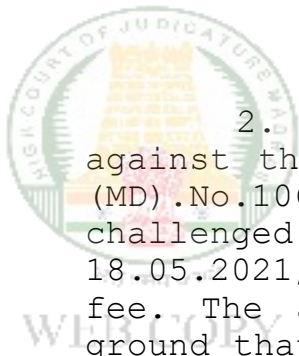
For Appellant : Mr.K.K.Senthil

For Respondents : Mr.R.Murali

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

We have heard Mr.K.K.Senthil, learned counsel appearing for the appellant and Mr.R.Murali, learned counsel appearing for the respondents.



2. This appeal filed by the writ petitioner is directed against the interim order passed by the learned Writ Court in W.P (MD).No.10687 of 2021, dated 01.07.2021. The appellant had challenged the proceedings of the second respondent dated 18.05.2021, by which, a demand was made for payment of the license fee. The appellant sought for waiver of the said amount on the ground that he was unable to collect fees from the buses as the bus stand was closed. As a result of which, he had suffered financial loss and the consequential relief sought for in the writ petition is to refund or adjust a sum of Rs.37,91,019/- in future, which was paid by the appellant as a license fee for a period from 01.04.2020 to 30.06.2021.

3. The learned Single Bench on hearing the learned counsel appeared for the appellant as well as counsel for the respondent-Madurai Corporation, exercised discretion and as an interim measure, directed the appellant to pay a sum of Rs.6,85,748/- (Rupees Six Lakhs Eighty Five Thousand Seven Hundred and Forty Eight only) to the respondent-Madurai Corporation on or before 15.07.2021. The time limit expires today. The appellant is before us stating that the condition is onerous.

4. In our view, an interim order has been granted exercising discretion by the learned Writ Court. We find, no error in exercise of discretion warranting interference. If the appellant had some difficulty in complying with the condition within time prescribed, nothing prevented the appellant to approach the learned Writ Court for extension.

5. Thus, on the grounds raised before us, we are not inclined to interfere with the order passed by the learned Single Bench. Accordingly, the writ appeal fails and dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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 Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai, Tallakulam,
Madurai - 2.

2. The Assistant Commissioner (Revenue),
Madurai City Municipal Corporation,
Arignar Anna Maligai, Tallakulam,
Madurai - 2.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-22753[F] dated 15/07/2021)

+1 CC to M/s.R.MURALI, Advocate (SR-22751[F] dated 15/07/2021)

W.A. (MD)No.1397 of 2021

15.07.2021

RD(26.07.2021) 3P 5C